

interest, and they are very anxious that Congress should take action before the session closes.

Mr. EDMUNDS. I wish to say in that connection that the Committee on the Judiciary have not yet been able to consider the subject, but are, among other things, waiting for information from the government of the District as to the nature and character of these transactions, so that we may know exactly what we are about. In the next place, I am not prepared to say nor authorized to say whether the Committee on the Judiciary will believe that it falls within their proper jurisdiction; but at present we are waiting for information.

Mr. MERRIMON. The Committee on the District of Columbia thought it was especially within the jurisdiction of the Judiciary Committee because it provides a court and defines the jurisdiction of that court.

The petition was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. OGLESBY, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas, reported it without amendment.

Mr. OGLESBY. The Committee on Public Lands, to whom was referred the bill (H. R. No. 629) for the relief of Jonathan White, have had the same under consideration, and have instructed me to report it back without amendment. It will only take one minute to pass the bill. If it goes on the docket now, it will be a great injustice to the man. It appropriates \$59.40 out of the Treasury, money accidentally and unintentionally paid into the Treasury by Mr. White more than he owed. The officers of the Government have passed on it and recommended that it be passed. They cannot pay him the money without this bill. It is his money in the Treasury. The bill is only eight or ten lines long and there is a report with it. I should like to have it considered now.

Mr. ALLISON. I must insist on the regular order.

The PRESIDENT *pro tempore*. There is no order except the Calendar.

Mr. EDMUNDS. Let us hear the bill and report.

The bill was read.

Mr. ALLISON. I object to the present consideration of the bill.

Mr. OGLESBY. It will only take a moment.

Mr. ALLISON. The Senator from Vermont asks that the report be read. I desire to call up the river and harbor bill and dispose of it in some way or attempt to do so.

Mr. OGLESBY. Will not the Senator from Iowa allow me to appeal to him. This man cannot afford to come here a second time for this sum of money. The report can be read in two minutes. It was simply a mistake; and the register and receiver and the Commissioner of the Land Office all recommended that the payment be made.

The PRESIDENT *pro tempore*. The Senator from Iowa objects. The bill will be placed on the Calendar.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky, reported it without amendment.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Boonville, Missouri, reported it without amendment.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of B. D. Carpenter, asking that his claims against the United States for property taken and appropriated by United States troops be referred to the Court of Claims for adjudication, submitted an adverse report thereon; which was agreed to and ordered to be printed.

Mr. WRIGHT. The same committee, to whom was recommitted the bill (H. R. No. 3182) for the relief of Albert Grant, have had this bill and the papers again under consideration, and after duly considering the claim again, recommend that the bill be postponed indefinitely.

The bill was postponed indefinitely.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2311) granting a pension to Daniel Willhoit, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CHRISTIANCY, from the Committee on Claims, to whom was referred the petition of Rev. H. V. Brown, pastor and trustee of the St. Peter and St. Paul's Church, at Chattanooga, Tennessee, submitted a report thereon, accompanied by a bill (S. No. 1005) for the relief of the Roman Catholic church of St. Peter and St. Paul, at Chattanooga, Tennessee.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. WRIGHT. I desire to say in that connection that while there is no minority report, I want it understood that the report is not the unanimous report of the committee.

Mr. CHRISTIANCY. Perhaps I ought to have mentioned that.

BILL RECOMMITTED.

Mr. INGALLS. I ask unanimous consent that the vote of the Senate by which the bill (H. R. No. 183) granting an increase of pension to John E. Wunderlin, late a private in the Thirty-third Regiment of New York Volunteer Infantry, was indefinitely postponed, may be reconsidered and the bill be recommitted to the Committee on Pensions.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made. The Chair hears no objection.

RIVER AND HARBOR BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. ROBERTSON, (at four o'clock and eight minutes p. m.) I move that the Senate adjourn.

The question being put, there were on a division—ayes 26, noes 17. The PRESIDENT *pro tempore*. The motion is agreed to; and the Senate stands adjourned until to-morrow at—

Several SENATORS. Eleven o'clock.

Other SENATORS. Twelve o'clock.

The PRESIDENT *pro tempore*. The Secretary will report the order and the Chair will be able to determine. The sessions for this day and yesterday have been at twelve o'clock.

Mr. WITHERS and others. By a special vote.

Mr. HAMLIN. The standing order is eleven o'clock.

Mr. CONKLING. I rise to a question of order. Did not the Senate on a division vote to adjourn, and did not the Chair so declare?

The PRESIDENT *pro tempore*. Certainly.

Mr. CONKLING. I object to any business. The Chair did announce so many in the affirmative and so many in the negative, and that the Senate was adjourned.

The PRESIDENT *pro tempore*. The Chair did not declare to what hour; and the Chair is determining that by a reference to the order.

Mr. CONKLING. That may be; but I object to any business.

The PRESIDENT *pro tempore*. The Chair would like to hear the general order as to the hour of meeting.

Mr. HAMLIN. I made the motion myself, and I remember the precise words in which I made it a permanent order. Twice since then we have specifically adjourned to another hour, but the special order now stands eleven o'clock.

Mr. CONKLING. That is true.

Mr. WITHERS. That is the standing order.

The PRESIDENT *pro tempore*. The Secretary will read the last order.

The CHIEF CLERK. The order of July 25, yesterday, was—

On motion of Mr. ANTHONY that when the Senate adjourn it be to twelve o'clock to-morrow.

The PRESIDENT *pro tempore*. On the statement of the Senator from Maine, the Chair rules that the Senate stands adjourned until to-morrow at eleven o'clock.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 26, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

SOLDIERS' HOMES.

Mr. TERRY, by unanimous consent, submitted a report of the Committee on Military Affairs in relation to soldiers' homes; which was ordered to be printed and recommitted.

INDIAN TRUST FUNDS.

Mr. MORRISON. I am directed by the Committee of Ways and Means to report back and recommend the House to pass, with an amendment, the bill (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

The bill was read. It authorizes the Secretary of the Interior to deposit in the Treasury of the United States any and all sums now held by him, or which may hereafter be received by him, as Secretary of the Interior and trustee of various Indian tribes on account of the redemption of United States bonds or other stocks and securities belonging to the Indian trust fund, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments, and the United States shall pay interest semi-annually, at the rate of 5 per cent. per annum from the date of deposit of any and all such sums in the United States Treasury.

The amendment reported by the committee to strike out the word "five" and insert "four and a half," so as to make the rate of interest payable by the United States $4\frac{1}{2}$ per cent., was read.

Mr. MORRISON. As there was no treaty or other obligation requiring the United States to pay 5 per cent. interest, the committee were of opinion that the Government ought not to pay more than 4. Hence the amendment.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading, read the third time, and passed.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF DISCHARGED HOUSE EMPLOYÉS.

Mr. SCALES. I introduced yesterday a resolution for the payment of certain discharged employés of this House, which was referred to the Committee of Accounts. It does not appear in the RECORD, which I ask may be corrected by its insertion.

There being no objection, it was ordered accordingly.

The statement omitted in yesterday's RECORD is as follows:

Mr. SCALES, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That all employés of this House discharged on June 30, and not paid off on account of the non-passage of the sundry civil appropriation bill, be, and are hereby, allowed payment until date of settlement.

LEAVE TO PRINT.

Mr. EAMES, by unanimous consent, obtained leave to have printed in the RECORD remarks upon the bill (H. R. No. 3910) in addition to an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875.

Mr. EDEN, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes.

SAINT PAUL, MINNESOTA, AS A PORT OF APPRAISAL.

Mr. DUNNELL. I ask unanimous consent to report from the Committee on Commerce for passage at the present time the bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal.

Mr. RANDALL. That bill was presented once before, and was objected to by the gentleman from Indiana, [Mr. HOLMAN,] who is not now in his seat.

Mr. DUNNELL. That gentleman has withdrawn his objection.

The bill was read. It provides that the provisions contained in and the privileges accorded by sections 2990, 2991, 2992, 2993, 2994, 2995, 2996, and 2997 of the Revised Statutes be extended to and held to include the port of Saint Paul, in the collection district of Minnesota.

The second section provides that the appraiser at the port of Saint Paul shall receive the same amount of salary that the deputy collector of that port now receives.

Mr. RANDALL. Does this bill increase any pay?

Mr. DUNNELL. The compensation of the deputy collector under the statute is \$2,000.

Mr. RANDALL. I shall have to object to this bill. This is an increase of pay.

ORDER OF BUSINESS.

Mr. BLAND. I ask that to-night be set apart for debate only on the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes, no other business to be transacted. A great many members desire to speak upon that bill, and may have no other opportunity.

Mr. RANDALL. I suggest to the gentleman that we proceed on that bill in the morning hour.

Mr. BLAND. If we are to have a morning hour upon that bill I will withdraw my request.

The SPEAKER *pro tempore*. The unfinished business of yesterday, the contested-election case, on which the gentleman from New York [Mr. TOWNSEND] is entitled to the floor, takes precedence of the morning hour.

Mr. RANDALL. As the previous question is not operating upon that matter, does it not come up after the morning hour?

The SPEAKER *pro tempore*. It is a question of privilege, and was the unfinished business at the adjournment yesterday.

Mr. RANDALL. But it does not of necessity cut off the morning hour if the House by a majority vote declares its wish to have the morning hour.

The SPEAKER *pro tempore*. The Chair, after consulting largely with gentlemen who have long been intimate with the practice and rules of the House, must hold that the regular order this morning is the continuation of the unfinished business, and that the morning hour cannot be called until that business is disposed of.

Mr. HOAR. Mr. Speaker, there is a matter which is specially assigned for this morning, a bill (H. R. No. 1337) for the relief of Nelson Tiffany, vetoed by the President. It will take but a few minutes to dispose of it.

The SPEAKER *pro tempore*. If the gentleman from New York yields for that purpose, as he is in a parliamentary sense now upon the floor, the Chair will gladly recognize the gentleman from Massachusetts.

Mr. HOAR. I understand this is the special order for this time. It will take but a minute or two.

The SPEAKER *pro tempore*. That will not take the gentleman from New York [Mr. TOWNSEND] off his feet.

Mr. HENDEE. I demand the regular order of business.

Mr. BLAND. I move that there be a session this evening for debate only—no business whatever to be transacted—on the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes. There are several gentlemen who desire to be heard, and I hope there will be no objection, as my proposition will not interfere with the business of the House.

Mr. KASSON. What bill is it that the gentleman wishes to have a night session on?

Mr. BLAND. It is the bill which you killed yesterday morning.

The SPEAKER *pro tempore*. The proposition of the gentleman from Missouri is that there shall be a session this evening for debate only, no business whatever to be transacted, on the bill to utilize the product of gold and silver mines.

Mr. KASSON. I object.

Mr. BLAND. I hope my bullionist friend will not object, but will let this debate go on. Does he object because he cannot stand debate on it?

Mr. TOWNSEND, of New York. I wish to ask unanimous consent to introduce a pension bill for reference merely.

Mr. HOLMAN. Cannot the question of the consideration of the unfinished business pending at the adjournment last evening be raised at this time?

The SPEAKER *pro tempore*. Not while the gentleman from New York occupies the floor. It may be raised when the floor is not occupied. If the gentleman from Indiana will look at the RECORD containing the proceedings of yesterday, he will notice that the gentleman from New York [Mr. TOWNSEND] took the floor and yielded simply to a motion to adjourn. The Chair cannot take him off the floor by allowing the question of consideration to be raised at this time.

Mr. HENDEE. I demand the regular order of business.

The SPEAKER *pro tempore*. When the gentleman from New York has concluded the question of consideration may then be raised.

Mr. BUCKNER. I demand the regular order of business.

The SPEAKER *pro tempore*. The regular order of business having been demanded, the question before the House for consideration is the report of the Committee of Elections on the contested case from the second congressional district of Virginia—Platt vs. Goode—on which the gentleman from New York [Mr. TOWNSEND] is entitled to the floor.

Mr. HOAR. I understand the gentleman from New York is willing to yield to me for the purpose of calling up the veto message of the President on the bill for the relief of Nelson Tiffany.

The SPEAKER *pro tempore*. The Chairman would be glad to recognize the gentleman, but the regular order of business is called for on all hands.

Mr. RANDALL. Has not the House control over its proceedings?

The SPEAKER *pro tempore*. It has; but the gentleman from New York has the floor on the unfinished business.

Mr. RANDALL. But the gentleman from New York I learn is willing to yield to the gentleman from Massachusetts.

Mr. HOAR. I rise to a question of order. The bill which was vetoed by the President comes up under the Constitution requiring it should be submitted again to the House. The pending question is, Will the House on reconsideration pass the bill? It was set down for consideration this morning, and takes precedence of everything under the vote of the House. It is as much entitled to its place as the reading of the Journal was entitled to its place, and matters coming over from yesterday come over after it. In addition to that claim of right the gentleman from New York consents, if he does not lose his place after this is disposed of, that it may be taken up, as it will only take a few minutes. I hope the Chair will not interpose any objection if no one else does.

Mr. BLAND. As I understand it, the bill to which the gentleman from Massachusetts refers was made the special order after the morning hour, and it does not come up until we have had a morning hour.

Mr. HOAR. No; it was made the special order after the reading of the Journal.

The SPEAKER *pro tempore*. It was made the special order after the reading of the Journal, and the Chair recognizes it as a privileged question; but the unfinished business of yesterday, on which the gentleman from New York holds the floor, takes precedence. The only ruling the Chair has made in conflict with the special order to which the gentleman from Massachusetts has referred is that the gentleman from New York [Mr. TOWNSEND] holds the floor. If, however, the gentleman from New York yields the floor, it is of course in order for the gentleman to call up his bill.

Mr. TOWNSEND, of New York. I yield the floor for that purpose only.

The SPEAKER *pro tempore*. If the gentleman from New York yields the floor, he yields it.

Mr. TOWNSEND, of New York. Then I do not yield it.

The SPEAKER *pro tempore*. The gentleman from Massachusetts can be recognized when the gentleman from New York is off the floor.

Mr. HOAR. I rise to a parliamentary question on the order of business.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. HOAR. My proposition is that the gentleman from New York [Mr. TOWNSEND] does not take the floor by right until this matter is disposed of, because it was ordered by the House it should be dealt with at this time.

Mr. BANKS. Mr. Speaker, the question before the House which comes up as the unfinished business relates to the right of a member to his seat and is of the very highest privilege, overriding any special order. The question is whether the gentleman from Virginia shall hold his seat to vote on this veto of the President.

Mr. HOAR. My colleague does not fail to see that the special order set down for a particular time necessarily overrides all other questions at that particular time.

Mr. BANKS. It overrides everything except a question of the right of a member to hold his seat upon this floor.

The SPEAKER *pro tempore*. The Chair will have the rule read in regard to unfinished business, and as the gentleman from Massachusetts has stated, this contested-election case is unfinished business of the highest privilege.

The Clerk read as follows:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of.

Mr. HOGE. I ask unanimous consent to introduce a bill for reference to the Committee on Invalid Pensions.

Mr. BLAND. I object. I want the morning hour to-day if it can be had.

CONTESTED-ELECTION CASE OF PLATT VS. GOODE.

The SPEAKER *pro tempore*. The House resumes the consideration of the report of the Committee of Elections on the contested-election case from the second congressional district of Virginia, Platt vs. Goode, on which the gentleman from New York [Mr. TOWNSEND] is entitled to the floor.

Mr. TOWNSEND, of New York. Mr. Speaker, I desire, if I may have it, the attention of all the members of this House upon the question now under discussion. Whatever other gentlemen may think desirable to do or to say in this case, I do not propose myself to say a word that ought to pain or offend any gentleman. When the gentleman from Kentucky [Mr. BLACKBURN] took the floor yesterday I soon found him making a statement in regard to what occurred in the committee-room of such a character that I felt it my duty to myself to recall the attention of that gentleman to the real occurrences there. I think the House will bear me out in the statement that I made the inquiry in the kindest spirit and without offense in my manner. Whatever may have occurred sometimes in the history of the world, my manner to the gentleman from Kentucky was that of perfect kindness and conciliation.

Now I want to say this morning that it is not my purpose to bandy words with the gentleman from Kentucky or to say any unkind thing. I do not need any personal vindication for what has happened in this House, but I shall vindicate myself in regard to what has happened in the committee-room.

The charge of the gentleman from Kentucky in regard to the republican members of the committee was calculated to prejudice democratic members of the House against me, to the extent perhaps of rendering the ear of the democratic members difficult of access, and in so far it becomes necessary for me to speak of the course of events in the Committee of Elections since I have had the honor to be a member of it. I asked the gentleman from Kentucky yesterday whether Mr. FENN, the democratic Delegate from Idaho, was not seated by unanimous consent of the House, and of course by unanimous consent of the republican members of the committee, over Mr. Bennett, who was an out-and-out republican. I asked whether such was not the fact. I understood the gentleman to be of the opinion that such was not the fact—that Mr. FENN was not a democrat. I read yesterday in the hearing of the House the statement of Mr. Bennett in the Congressional Directory that Mr. FENN was a democrat. I always supposed that he was a democrat. The newspapers of the day, when the election occurred, announced that Mr. FENN was a democrat. I have asked Mr. FENN, now upon this floor, or at least he was a moment since and I presume he is now, whether he did not run in Idaho as a democratic candidate, and Mr. FENN assured me that he did.

Mr. FENN. Will the gentleman from New York yield to me for one moment?

Mr. TOWNSEND, of New York. With pleasure.

Mr. FENN. Mr. Speaker, I observe in the RECORD what has been referred to by the gentleman from New York. On yesterday I was absent at the time the argument took place upon this floor in the Virginia contested-election case. I will state now that I received the unanimous democratic nomination by the democratic convention of the Territory for Delegate, and afterward I canvassed a large portion of the Territory—as much as I could in the intervening time before the election—as the democratic candidate for Delegate. Mr. T. W. Bennett, who had been appointed governor of that Territory by President Grant, and who had served in that office between two and three years, who is looked upon as an able and rather unscrupulous republican politician, after the meeting of the republican territorial convention announced himself as an independent candidate for Delegate

to Congress, and within forty-eight hours thereafter the republican convention indorsed him and placed him before the people as their candidate.

The county of Oneida in our Territory has quite a large Mormon population, but I was never in that county until several months after the election. I will state further, that I sent no man to that county to work in my interest; that Governor Bennett did send men to work in his interest, and tried to secure the Mormon vote in that county. I am proud to say that I received four-fifths of the legal vote cast in that county at that election, and I will say that Mr. Hailey, my democratic predecessor as Delegate upon this floor from Idaho, received five-sixths of the entire vote in Oneida County at the preceding election.

Mr. TOWNSEND, of New York. Now the House has had an ocular demonstration that Mr. FENN is a democrat, [laughter;] so that I am vindicated in that respect.

Mr. FENN. I desire just one moment more. I will say further that the county of Oneida was not represented in the democratic convention from which I received the nomination as candidate for Delegate from Idaho Territory. There were no delegates present in that convention from that county.

Mr. BLACKBURN. Will the gentleman from New York allow me a moment?

Mr. TOWNSEND, of New York. Yes, sir.

Mr. BLACKBURN. I simply desire to say that on yesterday, as the gentleman from New York will remember and the House will remember, I did not undertake to express any opinion as to the politics of the parties to that contest. I simply stated that Mr. Bennett in his argument before the committee said—and in that, I am sure, the gentleman from New York will concur with me—that there were no politics involved in the race between himself and his competitor; that it was not a race between a democrat and a republican; but that it was a contest between gentlemen representing the Gentile and the Mormon elements of that district. That is all. And in addition I will ask the gentleman from New York in treating this case to state to the House that neither Mr. FENN nor Mr. Bennett when admitted to a seat would ever be entitled to give a vote, whatever their politics might be, as they came from a Territory.

Mr. TOWNSEND, of New York. That was not what I was talking about. I do not propose to be withdrawn from the thread of my argument. My argument was to show this House that I had favored the seating of a person here who was a democrat in opposition to one who was a confessed republican. And the gentleman from Kentucky will bear me out in this: he will remember that he told me that if I undertook to hang my hope of salvation upon having sustained a democrat in the Idaho case I should fail, because of the fact that FENN was a Mormon; because Bennett said he was a Mormon. Now what Mr. Bennett said was this: he said, in the absence of Mr. FENN, that FENN was a kind of a Jack Mormon; that he always did what the Mormons wanted him to do, and that he really in point of fact was neither a republican nor a democrat, but a Jack Mormon. But he said it in the absence of FENN, and when FENN had no opportunity to answer. And I knew that Mr. FENN was a democrat as well then as now.

I want to state further that I was on the subcommittee that investigated that case. The subcommittee consisted of Mr. HOUSE of Tennessee, Mr. THOMPSON of Massachusetts, and Mr. TOWNSEND of New York. In our discussions we never had any difficulty at all, but all of us held the returns gave Mr. FENN his seat; and I should have despised myself if I could have sat in that committee, with the oaths of God upon me, and refused to do justice even to a full Mormon, little as I like Mormonism, or to a democrat, as much as I am politically opposed to democracy.

But that is not all. Sir, I hate to talk about myself, but when attacked I have to do so. We had a case before us involving the rights of Mr. Mackey, the gentleman from Charleston, South Carolina, to a seat. The sitting member was a republican. Every vote he had cast in the House was a republican vote. The contestant was a republican. The subcommittee in that case were Mr. THOMPSON, of Massachusetts, and myself—one and one. The chairman of the committee had seen enough of me and seen enough of Mr. THOMPSON to put us fairly pitted one against one in the subcommittee. And Mr. THOMPSON said in the House when this question was before the House that I was the man that first said that Mr. Mackey was not entitled to the seat, thus disposing of one republican, and held further that the contestant, Mr. Buttz, was not entitled to his seat because there were so many votes that had to be thrown out, because of the proof of fraud and irregularity in Charleston, that it would be a farce to undertake to award even a republican his seat on this floor. Now, gentlemen, I believe you will not think, whatever else you may think of me, that I am the most prejudiced man that ever rose in his place to discuss a question before the Congress of the United States.

There is another thing I ought to say. We have had a great many controverted matters before our committee; but in most of the matters we have agreed. In a very large proportion of cases there could be no question about them. But Mr. Platt is the only man of republican politics who has had the hardihood to come to this House and ask for a democratic sitting member's seat. I say "hardihood." I do not mean by that to say that it is a thing impossible; because I tell you, gentlemen, there are a great many as honest men sitting

over there as I would claim to be before God myself. And I do not believe that any harangues that I could make to gentlemen upon that side of the House could induce those valuable and conscientious men to swerve from the convictions of their own consciences. And in every election case that has been carried here where the republican has been unseated there has been a man here and a man there, and five men here and five men there, among the majority who have thought that their duty called upon them to vote as I did.

Mr. POPPLETON. Will the gentleman allow me to ask him one question?

Mr. TOWNSEND, of New York. Yes, sir.

Mr. POPPLETON. Has there been an instance in which a solitary republican member voted for a report seating a democrat?

Mr. TOWNSEND, of New York. O, yes. In the case of Walls, the very first case we brought in, Mr. WELLS, of Mississippi, voted with the democrats and signed their report. O, we are not nearly as bad as my friend would have the House believe we are.

Mr. POPPLETON. Allow me to correct the gentleman. Mr. WELLS did not vote at all.

Mr. TOWNSEND, of New York. He joined the report, did he not? I do not know whether he was here when the vote was taken.

Now, Mr. Speaker, having tried to show that we republican members of the committee are not entirely outside barbarians without consciences, so that we cannot be listened to, I pass to the consideration of some of the questions that are presented in this case; and let me say, Mr. Speaker and gentlemen, that there never has been a case before the House that was so close shaved down as this case. The number of controverted facts are very few. The number of places where you have got to consider what ought to be done are very few, and the questions of law and fact are exceedingly few, and if we can ever get at them without excitement I do not believe that there can be any great deal of doubt what the result ought to be.

Now, in the first place, there is a navy-yard in the case. Mr. Platt will be found to be entitled to his seat if you throw out every vote which was cast in the election district where the navy-yard was situated, and so Messrs. HOUSE and THOMPSON, belonging to the majority of this House, have reported. They have thrown out the navy-yard vote, and yet they find themselves under their sense of duty compelled to award the seat to the contestant.

Now, gentlemen, I know that a party not in power is always suspicious of the influences that surround any post and where employment is given, and I find not only this report, but I find the report in the Frost case, and I find the speeches made in the Frost case all indicate that the suspicions which hang around these navy-yards are such that the democrats think may on their consciences and think they ought in the discharge of their duty utterly disregard the returns in those precincts and throw the votes all out.

Now, I do not ask the majority of this House to believe as I do on these matters, but I ought for a moment to vindicate my own course before a majority of the House. If I understand the minority of this committee, they lay down this proposition: that if a man on Saturday night in a voting district accepts employment at the navy-yard, and he himself (although nothing is said about it at the time of his employment) understands that if he accepts that employment he is expected to vote the republican ticket on Tuesday, this House has a right to infer that he voted on Tuesday and infer also that he voted for the republican candidate.

Now, a great majority of this House on both sides, republicans and democrats, are lawyers, and I address myself to the lawyers on the democratic side of the House, and I say to you, gentlemen, do you condemn me in your inner souls very much if I do not think that I have the right or you have the right to draw such an inference—to draw the inference not only that a man voted without there being any proof that he voted, but that he voted in a particular manner? I do not believe that it is right to draw that inference; but I do not quarrel with you if you do. I am simply vindicating myself, and I shall not argue the question further here.

I do not ask in my argument in this case that any gentleman forming a conclusion as to who has a right to the seat in this case shall agree with me that the votes from the navy-yard precincts should be counted. Throw them out, if you please, and then there will be but two questions in the case. Mr. Platt is elected unless you throw out Rives and Bland Townships, in Prince George County, and unless you deduct from Platt's vote the entire number of sporadic, illegal votes cast in the district without knowing for whom these votes were cast. But Bland and Rives Townships are what Frenchmen call at dinner the *pièce de résistance*. They are the important question. What ought to be done with the votes of Bland and Rives Townships? Are the votes to be counted or are the votes to be thrown out? The first question that arises in regard to Rives and Bland Townships is, Was there any actual fraud perpetrated there? Because fraud will eat everything out. It will sap every foundation; it will destroy every return; it will render proof unworthy of consideration. There can hardly be any pretext of fraud there. There were in each of these townships four officers sworn to discharge that duty under the law, with the oaths of God upon them, and every one of the four in each township was a democrat, a friend of Mr. Goode, and every man of them, excepting one, voted for Mr. Goode and wished his election, and wish it now.

Then aside from the proof that appears in the case you would not

suspect an intention to perpetrate fraud. But more than that, these democratic officers are called and sworn and they testify that they did their duty as they understood it, faithfully, honestly, loyally; true to the constitution and to the laws of the State of Virginia. It was said yesterday that an attack was made on Virginia. God save me from making an attack on Virginia. I have professed my faith in this House before. I learned my politics from Virginia and my whole hope for Virginia is that her politics will be as pure and her politicians as honest now and for the time to come as they were in the olden times.

Now we have a democratic board, a Goode board, and by that I mean a board in favor of Mr. Goode, who handled these votes, received the votes, and when the voting was done made the returns. There are here in this report the certificates, signed by every one of these men, four in each instance, that the election was so held and the vote was so and so. What is to be done with them? These officers certified what is otherwise proved to be true. If there be a doubt whether the return has been tampered with after it was made, if it be erased, if it be interlined, if there be any touch or appearance of fraudulent treatment of the return, then it may be disregarded. But there is not a word of that in the proof in this case.

These returns are not only signed by the officers of the law, all of whom were sworn men and democrats and the friends of the sitting member, but in each case two of these men, still under oath, carried these certificates to the county clerk and put them in the hands of another friend of Mr. Goode, and another democrat. Now all these things will not be disputed. The returns are to-day in the county clerk's office of Prince George County. The proof of them is in the case and before this House. We look as directly at these certificates of these returns as if we stood face to face with them in the county clerk's office of Prince George County, in the State of Virginia. Are we to reject them? Not only are the returns there, but they are proved in this case to be true.

But it is said the statute of Virginia requires that these returns shall be carried to the county clerk's office "in a sealed envelope." We agree as to what the law is. Instead of carrying these returns to the county clerk's office in a sealed envelope, these returns, being all the while in the hands of the officers who signed them, were put, one of them in a bag and sewed up, and the other in a tin box and the box locked, and in that manner they were taken to the county clerk and handed to him by the inspectors who had made and signed them, in each case by two of the sworn officers of election. Now it is contended that because on the sewed-up bag a seal was not placed and because in the other case the return was carried in a tin box, instead of being put in a sealed envelope of paper, they are thereby not only rendered unfit for evidence, but when afterward you have proved that the contents of the returns are true, the election for these precincts may be declared to be void. I think I am not mistaken in the law of this case; I think I have not mistaken the claim made.

Now, in heaven's name, can that be so; can that be the law? Here is a fair election held by honest officers who make and sign a perfect return. That return is carried to the county clerk's office, in the one case in a sewed-up bag by the officers who made the return, and in the other case in a tin box locked and carried by the officer who made and signed the return, and by them handed to the county clerk. Yet it is claimed that the election itself is vitiated, that the return is vitiated, that the certificate is vitiated, because of the failure to apply wax or turpentine, or tar, or something on which you can make an impression and call it a seal.

Let me suppose a case and submit it to the majority of this House and to the minority also. Suppose that in the providence of God these certificates had been made out, signed, perfected, and laid upon a table, and at that moment a stroke of lightning from the heavens had annihilated the life of every one of these inspectors. The certificates thus made out are left. Is there any doubt about the record of that election? Is there any doubt about the fact that those certificates would be evidence, notwithstanding they had not yet been sent to the county clerk's office?

The history of this House this year and in former years will show that whenever and however and under whatever circumstances we or our predecessors have been able to find a certificate signed by honest men of the result of an election, that certificate unless impeached has been regarded as conclusive.

Take the very case of Mr. FENN, of Idaho, now sitting in this House. In that case the certificate of election was given by the territorial officers to Mr. Bennett. Why? In the first instance the return of votes was carried to the county clerk's office. The law of Idaho requires that the votes shall be canvassed in the county clerk's office by certain officers, and that the return of that canvass shall be made to the central office of the Territory. Now the officers who canvassed these votes in the county were unauthorized persons. There had been a change in the law, and the men who canvassed the votes under that changed law had no right to canvass them. They sent up a certificate that was nugatory, and the territorial officers gave the certificate of election to Mr. Bennett.

When that case came before our committee we said that we did not care what informalities there had been, that we would go down to the bottom and find the certificates made by the men who presided over the election in that Territory, and that by those certificates that

case should be decided. We did so, and came into this House and asked this House to indorse our conclusion. This House as one man did indorse it. Every member of our committee, every member of this House without respect to politics, decided that the original certificate of the men who conducted that election being proved in the case, that was conclusive unless the certificate was impeached; and it was not impeached.

Now I say to you without hesitation that the offices of civilized life cannot be carried on unless faith be given to certificates made under such circumstances. Everybody has given faith to them from the beginning down to this day. I have never yet heard nor seen any public body or officer that has had any hesitation in regard to giving full force and effect to such certificates until the minority of this committee made their report in this case; [after a pause,] I am wrong, the canvassing officers of the State of Virginia rejected these certificates because of the lack of turpentine, or tar, or wax, or something on which an impression could be made so as to call it a seal. Therefore that was the first instance in which such a doctrine was held.

Now, I have no hesitation in saying that I cannot believe the officers at the seat of government in the State of Virginia knew they were perpetrating a great wrong; I make no such charge; but I am satisfied that they committed a very great mistake. I have no hesitation in saying this here, and if I met those gentlemen face to face I should not hesitate to say it to them. I believe they made a grave, a palpable mistake; that is all. Other men have made mistakes. A man who never made a mistake should be removed to some other sphere; he is unfitted for the operations in this world.

But again, there were nearly 900 more votes given against Mr. Goode in the congressional district than were given for him. If the vote in Norfolk be counted, (and there is no doubt that the vote in Norfolk was cast, all agree that it was cast, and that the returns were not meddled with, were not fraudulent,) there was a majority of 441 votes for Mr. Platt over Mr. Goode. Then there was a man named Norton running who received some 410 votes. So that, although Mr. Goode may be as valuable a man as his friends believe, (and I am not going to say one word against him,) he was not the choice of that election district any more than Colonel Luttrell, the opponent of John Wilkes, was the choice of the electors of Middlesex. We sit here to give effect to the wishes of the congressional district. I grant you that the votes cast for Norton count nothing for Mr. Platt; but if you reject in Norfolk the votes cast in the custom-house precincts you still leave Mr. Platt with a majority of more than 100, unless you throw out the townships of Rives and Bland in Prince George County.

I have said all about Rives and Bland Townships that I propose to say; for I do not intend to weary the House; I do not intend to solicit the House. I propose simply to do my duty as a Representative upon this floor (having been placed upon the Committee of Elections) in presenting the case for consideration.

But there is another difficulty. If Mr. Goode be found to be something more than one hundred votes behind in the district, those who think he ought to be seated are compelled to make a minute search over the district to find the means of seating him. I do not say that any gentleman does this with a wrong intention. I say that gentlemen who have adopted the conviction that Mr. Goode ought to be seated are compelled to look about the district for some other mode of continuing Mr. Goode in his seat and preventing the contestant from reaching the same place. In one district there were, I think, 13 voters who were registered before the election by a transfer from one district to another. Now I have great anxiety to be understood by the majority of this House upon the question of registration. There are two modes of registration under the laws of Virginia, and I concede, as is contended on the other side, that if a man be not registered he has no right to vote. If a vote be received without the voter being registered, the vote should be counted out. But there are two modes of registration. One is where a man has lived in a neighborhood for more than a year. He goes to the officers of registration, who consider his case and he is put upon the registry. The other is where a man has been a citizen of the State for more than a year, has been registered in one precinct but removes into another precinct more than three months before the election. Such a man up to the day before the election (and I do not know but on the day of the election) may obtain from the precinct where he has been registered a certificate to that effect from the registering officers, and if the officers in the precinct to which he has removed are satisfied that he has resided there for three months, it is their duty to register him.

In this case there were, I think, 13 votes cast by persons registered or certificates of registration brought from the places of their former residence. A witness is put upon the stand who proves this fact. This witness was an officer of registration himself, and he swears that the officers were satisfied that these men had lived in the neighborhood for a period of three months, and accordingly put the men upon the registry.

Now, the minority of this committee concede that when men are registered in the ordinary way—that is, registered upon a year's residence—the presumption is that they are rightfully registered; but they contend that if they are registered on certificates there is no such presumption. I believe I state the ground rightly. I know that this position was contended for in committee; and I understand that it is argued here. I believe that this argument is not contained in the report; but it was urged yesterday by the gentleman from Kentucky,

[Mr. BLACKBURN.] Can that position be true? Is the presumption wanting in the one case while it arises in the other? In the view of the law, does a case where a man is registered and a whole year's residence passed upon by the registering officer differ from the case where a certificate is brought that the man has been registered before and the register knows that he has resided in the district three months? It is utterly impossible. These presumptions affect every judicial and every ministerial act of our lives. Why, I have in my own congressional district some fifty voting precincts. In thirteen of them registration is required. In Heaven's name, gentlemen, do not I come with the presumption that the registration was right? When a sworn officer is charged with doing an act and does it, does not the presumption attach he did it rightly, that it was lawful for him to do it, that he did it honestly? There is no question about it. Gentlemen cannot be mistaken about it. The presumption is that these men were rightfully registered.

True, Mr. Goode was at liberty if he could have done so to show that these men were after all not voters; that the certificate was a fraud; that they had not resided in the precinct three months; but he did not do any such thing; he never proved a word on the subject. He simply proved that they had been registered elsewhere and they then were registered here. Mr. Platt examined his witnesses for that purpose. This case was tried—there have been plenty of cases before the committee which were not tried. But this case was tried, and on cross-examination the witness swore these men who were registered had resided there three months, and therefore they put them on the register. So, sir, this question of registration is not in the case. My friends must consider I am treating them respectfully when I say to them—not offensively—that as a legal question there is nothing of it, nothing whatever.

But, sir, there is one question more and only one. Mr. Goode charges in his answer to the notice of contest that illegal votes—and I am particularly desirous now to reach the ears of gentlemen on this subject—Mr. Goode charges in his answer to notice of contest that there were sporadic, illegal votes cast in that district, that those illegal votes were cast for Platt and should be deducted from him. Remember the charge with the view to see how near the proof comes to the charge. When he comes to his proof he proves what? Goode proves that there were 90 illegal votes cast in the district; that is, there were 90 persons voted in the district that did not properly reside where their votes were cast. So far Mr. Goode gives proof. But where is the rest of the proof? You charge these men voted for Platt and you have not proved one word of it. You have not a hint, you have not a declaration that one of these 90 men voted for him, not one. And yet it is asked that these votes be all deducted from Platt.

Why, the gentleman from Kentucky [Mr. BLACKBURN] gravely told this House that Mr. Goode could not tell who they voted for, but that Mr. Platt could. I see my friend from Ohio [Mr. POPPLETON] over here, a gentleman for whom I have the very highest regard, and I want him to tell this House, if he can, how it happens that Mr. Goode, who proved a vote was cast illegally, could not as well prove who it was cast for as Mr. Platt?

Mr. POPPLETON. Does the gentleman want me to answer in his time?

Mr. TOWNSEND, of New York. No, I want it afterward. I know what the gentleman from Kentucky said. He said that Mr. Goode was using up all of his forty days, and it was the duty of Mr. Platt to supplement anything that he did not prove against him by proving it himself. My friend from Ohio will bear me out that I have stated that proposition exactly as the gentleman from Kentucky did, that because Mr. Goode in his forty days could not prove it, it became the duty of Mr. Platt to prove it. [Laughter.]

Mr. BLACKBURN. Will the gentleman allow me one moment?

Mr. TOWNSEND, of New York. Certainly.

Mr. BLACKBURN. I did not put it in that way.

Mr. TOWNSEND, of New York. That is the way in which I understood it.

Mr. BLACKBURN. I stated that these fraudulent votes did not appear and were not known either to the contestant or the contestee until they were developed in the taking of the proof of the contestee after Mr. Platt's forty days had expired and toward the conclusion of Mr. Goode's forty days. It was during the contestee's proof that either party to the contest became aware of the fact that they were on the poll-books. That was it.

Mr. TOWNSEND, of New York. I must make confession, and confession is good for the soul. I acknowledge that my intellect is of so low a grade that I cannot see the difference of the statements between the gentlemen from Kentucky and my own. Mr. Goode had not the opportunity to prove it. Mr. Goode could not prove it, and therefore Mr. Platt must prove it or take the consequence! That presumption must be taken instead of proof, to wit, Mr. Goode charged that illegal votes were cast and they were cast for Platt. He proves illegal votes were cast, but does not prove they were cast for Mr. Platt, and, therefore, Platt ought to prove how it is. Where are the lawyers in this House? I will not say lawyers, where are the common-sense men, the men out of swaddling-clothes, in this House? He charges that illegal votes were cast for Platt. The proof is that illegal votes were cast. The party that makes an assertion, the party that depends upon an allegation, must prove it or fail.

But I shall not discuss that any more. It is a proposition that to

be scouted needs but to be stated. There cannot be any such thing; and whatever votes gentlemen may cast, many gentlemen, a hundred gentlemen or more, may vote against my views on this case, but they will not so vote on that proposition. Of that I am entirely satisfied.

But, further, the majority of the committee adopted the rule of deducting out of the 90 voters from each candidate the proportion of the 90 which 90 bore to the relative votes of the candidates. So did the republicans; so did the democrats that constituted the majority.

And I am now further under the necessity of referring to the action of the committee. I refer in this instance to the action of our committee in a case that came before the House, and it is printed in the report. It was our first case, Mr. Speaker, the case of Finley vs. Walls. The committee unanimously after consultation agreed that, where there were illegal votes and we had no proof for whom the illegal votes were cast, they should be deducted from the votes of the respective parties in the precinct in proportion to the number of votes which each man had. And, sir, that is the law. We acted according to law. So that we stand here in regard to the question as to what shall be done with the illegal votes backed up with the action of this House and with the precedents of the country; and there is no precedent to the contrary in any honest House that was ever organized, democratic or republican, here or elsewhere. I ask the Clerk to read the two hundred and ninety-eighth section of McCrary's Law of Elections.

The Clerk read as follows:

SEC. 298. If an illegal voter, when called as a witness, swears that he does not know for whom he voted, and it is impossible to determine from any evidence in the case for whom he voted, his vote is not to be taken from the majority. But it does not follow that such illegal votes must necessarily be counted in making up the true result, because it cannot be ascertained for whom they were cast. In purging the polls of illegal votes, the general rule is, that unless it be shown for which candidate they were cast, they are to be deducted from the whole vote of the election division, and not from the candidate having the largest number. (Shepherd vs. Gibbons, 2 Brewster, 128; McDaniel's Case, 3 Penn., L. F., 310; Cushing's Election Cases, 583.) Of course, in the application of this rule such illegal votes would be deducted proportionately from both candidates, according to the entire vote returned for each. Thus we will suppose that John Doe and Richard Roe are competing candidates for an office and that the official canvass shows:

For John Doe.....	625
For Richard Roe.....	575
Total vote.....	1,200
Majority for Doe.....	50

But there is proof that 120 illegal votes were cast and no proof as to the person for whom they were cast. The illegal vote is 10 per cent. of the returned vote, and hence each candidate loses 10 per cent. of the vote certified to him. By this rule John Doe will lose 62½ votes and Richard Roe 57½ votes; and the result as thus reached is as follows:

Doe's certified vote.....	625
Deduct illegal votes.....	62½
Total vote.....	562½
Roe's certified vote.....	575
Deduct illegal votes.....	57½
Total vote.....	517½
Majority for Doe.....	45

Mr. TOWNSEND, of New York. Therefore we have, as I said, the action of our committee, we have the action of this House in the Walls case, and we have the law of the land. And there is but one thing more that could be in our favor—and I have no doubt we will have that—and that is the judgment of heaven, because the action of this House, I have no doubt, will accord with it.

Now there is but a single question more. It is not proposed exactly to divide this vote on the color line, because the illegal voters out of the 90 were about 13 whites and the rest were colored. It is not quite proposed, as I understand it, to adopt the color line in regard to these votes. The gentleman from Kentucky advances toward it in his argument, but does not exactly propose it. Now I have got to look the facts in the face and to argue this case according to my conscience. Can we divide the vote upon the color line?

Why, sir, the gentleman from Kentucky tells us that there was a colored man running there by the name of Norton; and he tells us—I am giving his words—that “it is a great deal more probable that these colored men voted for the man of their own color than that they voted for the stranger who had been there for but a short time.” And yet he asks this House, after making that statement, to infer that the colored vote was not for Norton, but was for Platt, and to take the whole illegal vote from Platt upon that inference. Now this House is not going to do that. We discarded the color line yesterday. The gentleman from Mississippi [Mr. LAMAR] kicked the color line out of this House; and I hope it is not going to be brought back to-day. For although it may be very easy to say we utterly discard the color line and yet act on it, still I am satisfied we shall not act on it here. The majority of this House will not act on it. The majority of the House cannot afford to do so. The majority of the House have to keep faith with their own consciences; and as respectable gentlemen, as honorable gentlemen, they have to keep faith with their constituents. And I conceive they are as anxious, the great body of them, to do what is right as the gentlemen on this side are. These gentlemen of the minority of the committee were not willing to blacken

their own souls by adopting the color line in their report, and they will not seriously ask this House to do it. The minority of this committee consists of a good many very honorable and honest men; men as tender and delicate in their sensibilities as to what is right as anybody in the world. Therefore they will not urge a proposition so preposterous and so monstrous.

Now, I am thankful to the House for having given me so much attention. I believe I have done my duty. I may have done it well; I may have done it ill. But I have said all I suppose I ought to say in justice to my position. I never saw Mr. Platt until I came here. I never saw Mr. Goode until I came here.

I know nothing in favor of the one more than the other except that the one happens to agree with me in politics and the other does not, and most of the House will think that Mr. Goode has the best of it in that respect. It will do the republicans no good to seat Mr. Platt; it will do the democrats no good to seat Mr. Goode. They have a majority large enough for all reasonable purposes and our minority is small enough. There is no question concerned except that we shall do our duty in view of the facts of the case.

[Here the hammer fell.]

Mr. GOODE obtained the floor.

Mr. TOWNSEND, of New York. I have nothing more that I particularly wish to say, but I should like to yield for a moment to the gentleman from Kansas, [Mr. BROWN.]

The SPEAKER *pro tempore*. That could only be done by unanimous consent.

PAY OF A SHORT-HAND REPORTER.

Mr. GOODE. I yield for a moment to the gentleman from Missouri, [Mr. GLOVER.]

Mr. GLOVER. I hold in my hand the account of the short-hand reporter who took down the case of Hallet Kilbourn before the supreme court of the District of Columbia, and I am requested by the Committee on the Real Estate Pool to lay it before the House and ask its reference to the Committee of Accounts. It is the report of the proceedings in the matter of the application of Hallet Kilbourn for *habeas corpus* before Chief Justice David K. Carter, of the District supreme court, for the settlement of an account.

Mr. REAGAN. What have we to do with the report of a trial in one of the courts of this District?

The SPEAKER *pro tempore*. The Chair understands that the report is to be referred in connection with an account of the short-hand reporter employed by the committee, and that they propose a settlement of that account.

There being no objection, the report, with the accompanying account, was referred to the Committee of Accounts.

Mr. GOODE resumed the floor.

WASHINGTON MONUMENT.

Mr. FOSTER. I would ask the gentleman to give way to allow me to report from the Committee on Appropriations the Senate bill for the completion of the Washington Monument.

Mr. BLAND. I object; I want the morning hour.

Mr. FOSTER. This is a bill for the completion of the Washington Monument, and it is important that it should be passed.

The SPEAKER *pro tempore*. Is it for reference only?

Mr. FOSTER. No, sir; for action.

Mr. BLAND. I object, and I give notice that I shall object to everything until we shall get the morning hour.

CONTESTED-ELECTION CASE OF PLATT VS. GOODE.

The House resumed the consideration of the report of the Committee of Elections on the election contest from the second congressional district of Virginia.—Platt vs. Goode.

Mr. GOODE. Mr. Speaker, I do not feel that any apology is necessary for my appearance in this debate. I do not stand here as a champion of my individual pretensions to a seat upon this floor, but claiming as I do to be the legally elected representative of the people in the second congressional district of Virginia, I feel that it is not only my right but my representative duty to be heard briefly in their name and on their behalf.

It is a well-settled principle in the trial of all contested-election cases that the burden of proof is thrown upon the contestant. As the sitting member in this case I hold the certificate of election under the broad seal of the Commonwealth of Virginia, and it is incumbent upon my competitor to prove to the satisfaction of this House that I am not entitled to hold it.

Now, Mr. Speaker, I claim to hold that certificate properly. It has been awarded to me in strict accordance with the laws of Virginia and by the unanimous decision of the board of State canvassers, consisting of James L. Kemper, her governor; Robert M. T. Hunter, her treasurer; Raleigh T. Daniels, her attorney-general; James McDonald, her secretary of state; William F. Taylor, her auditor of public accounts. Four gentlemen who have signed the report of the Committee of Elections have thought proper to characterize that action as an outrage by these high officials, committed in total disregard of the rights of the electors. I desire, sir, to argue this case calmly and dispassionately; but I take leave to say, I feel bound to say under a full sense of the responsibility which rests upon me as a man and as a citizen, that the report signed by the four gentlemen in this particular is an unwarranted attack upon four eminent citizens of my State,

distinguished alike for their public service and for their private virtues.

Now, sir, there are many points presented in the notice of contest, in the answer, in the proof, which I do not deem it necessary to refer to in this discussion. They have been eliminated by the committee. I shall confine my discussion to the matters in dispute between the members of this committee. If I can get the attention of the House I pledge myself to demonstrate to every fair-minded man who will hear me that the report signed by five members of the committee should be adopted. There are two reports here, one signed by six and the other signed by five members of the committee. Four of the gentlemen who signed the majority report claim that Mr. Platt was elected by 487 majority; two of them claim that he was elected by a majority of 24. The five gentlemen who signed what is called the minority report find that the sitting member was elected by a majority of 349.

Now, sir, the entire vote of the district as ascertained by the State board of canvassers was for the sitting member 13,521 and for the contestant 13,390, making for the sitting member a majority of 131 votes. It is claimed by the majority report of the committee, and in that the minority concur and I concur and everybody concurs, that to the votes so declared by the State board of canvassers the vote of Prince George County, including the townships of Rives and Bland, should be added, giving 987 votes for Mr. Platt and 562 votes for me. They claim that 206 votes should be added in the county of Nansemond and 12 additional votes in the city of Norfolk. Now let us concede for the purpose of this argument that the vote of Prince George County, 987 for the gentleman and 562 for myself, making a majority for him of 425, shall be counted. I say concede that notwithstanding the law of my State provides that the commissioners of election shall certify the result to be true, and notwithstanding it requires that they shall determine the result in writing and certify their determination to be correct, and that this determination shall be attested by the clerk under his official seal; notwithstanding the law provides distinctly that on the fourth Monday after the election the board of State canvassers shall meet at the capitol and open the certified returns and proceed to examine the votes and ascertain the result, we find that this certificate lacked these requirements. It was not certified by the commissioners; it was not attested by the clerk; it lacked the official seal of the clerk; it was not authenticated as the law requires; it was entitled to no more consideration and possessed no more validity as a legal paper than any private memorandum which might have been sent up by any respectable private gentleman from the county; but I say count the votes, concede the count of Prince George County and so as to Nansemond.

The law says the voting shall be by ballot; that every voter shall vote upon a single ballot. There was another law submitting certain constitutional amendments to the vote of the people, which required that the vote should be by ballot. The testimony shows that 193 of the votes cast in this county for Mr. Platt had upon them a vote against the amendments to the constitution and that 13 of them were inclosed in other ballots. Now, we have a peremptory and mandatory provision of our statute laws which says that whenever ballots are found, upon the canvass made by the judges, within other ballots inclosed in them they shall be rejected and destroyed; but I say count the 206 additional votes in Nansemond and count the 12 additional votes in the city of Norfolk, notwithstanding they were not found in the boxes provided by law, notwithstanding they were found in another box, and are no more entitled to be counted than if they were found upon a table or lying upon the floor or lying anywhere loose around—count all these, and then you have 425 additional votes in Prince George County, 206 additional votes in Nansemond County, and 12 additional votes in the city of Norfolk, making a majority to the contestant, conceding all that he claims and all that the committee claim for him, of 512. How then stands the case? I beg members to look at this record. I want every gentleman on this floor without regard to politics to understand this case.

Sir, the testimony in this record proves that in the congressional canvass of 1874 the navy-yard at Norfolk was practically surrendered to my competitor for his election purposes in the campaign; it proves that a large number of employes were taken on just before the election; it proves that many more were employed than was necessary to do the work required; it proves that many worthless and incompetent men were employed; it proves that the Government was subjected to an unnecessary expenditure, which is corroborated by the report of Secretary Robeson in answer to an inquiry which I submitted here in the first week of the session in regard to the cost of a steamer built there. The testimony shows that these men so employed were subjected to heavy pecuniary assessments; that they paid them unwillingly; that they paid them, as they say, to save the bread and meat for themselves, their wives, and their children. Every foreman was assessed \$20; every assistant foreman \$10; every first-class machinist \$3.26; every second-class machinist \$1.26; and every poor little water-boy, whose mother perhaps was dependent upon him, was required to pay \$1.02; they would not even relieve him of the two cents.

The testimony shows that these men were regularly drilled and instructed the night before the election as to the manner in which they should vote the next day; how they should receive their ballots; how they should advance to the ballot-box; how they should hold

the ballots, and how they should deposit them. It shows that they could not get a ticket until they were put in line. It shows that they were told beforehand from whom to get their tickets. They were put into line and marched up to the polls and made to vote under duress, intimidation, and constraint. It shows that they were required to hold up their hands; that they got their tickets from a man within six feet of the ballot-box; that right at the ballot-box was another official of the navy-yard under whom they worked, and that from the time the ballot was put in the hand of the voter until he deposited it in the ballot-box he was under the eye of a navy-yard official. He got his ticket under the eye of a navy-yard official and he deposited it in the ballot-box under the eye of another navy-yard official, who had a pencil and book in his hand to record each voter. And in addition to that, while they advanced toward the ballot-box they were told that they must keep their hands from their pockets, and when they asked why they were required to do so, they were told that, "We have reason to fear that some of you intend to vote for Mr. Goode."

Mr. LUTTRELL. The same thing occurred in my district at the Mare Island navy-yard.

Mr. GOODE. The gentleman from California says it is the same in his district. And, by the by, the committee tell us that this is all very true; this is very wrong; it was a high crime and misdemeanor that the Government patronage was thus abused. But they tell us, and the report has gone down to posterity signed by four members of the Committee of Elections, that the patronage at this navy-yard was used just as much and no more than the patronage of all such institutions generally is:

Altogether, the evidence shows that the navy-yard was run just as much in the interest of the party in power and no more than all such institutions usually are.

"Such institutions;" your institutions: the navy-yard at Mare Island, California, the Boston navy-yard, the Kittery navy-yard, the Brooklyn navy-yard, the Philadelphia navy-yard; "no more than all such institutions usually are." Why, sir, they have got the idea that this property there belongs to the party, just as they suppose the custom-house at Norfolk belongs to the party. I have here a photograph, which was put in my hand this morning by a friend, showing that to-day the custom-house at Norfolk has nailed upon its gable end a banner upon which are inscribed the names of the republican nominees for the Presidency and Vice-presidency, Hayes and Wheeler. The banner is nailed to the gable end of that custom-house, the property of the people, built for and paid by taxes drawn from the people of this country. They had no more right to nail it there than they had to nail it on the Treasury or on the Dome of this Capitol. But it only illustrates what I have said, that the impression prevails at Norfolk that the navy-yard belongs to the party.

Mr. HARRIS, of Virginia. And all the employes there who are voters.

Mr. GOODE. Yes, and all the employes who are voters. The testimony in the case proves that the impression there universally prevails that Mr. Platt was the grand mogul that controlled this whole thing, that he was the ring-master of that navy-yard. Everybody understood it; he knows it. I want the House now to hear for one moment the testimony of an old man fifty-eight years of age on that subject. It is the testimony of Winfield Scott Tymes. I wish I had time to read more of it, but I have not time now.

Question. Please state whether at any time previous to the last congressional election in this district, or since that time, you have made application to any official in the navy-yard for employment there; if so, when and to whom was the application made, and state all that occurred.

Answer. About last August I went and asked the commodore, Stevens, for the watchman's situation in the navy-yard; his reply was to go to some of the politicians. I told him I came to headquarters; he observed to me that he couldn't, and he would not interfere with the committee.

Q. Did you ever have any conversation with the Hon. James H. Platt, jr., about procuring employment in the navy-yard? If so, state when and where it was, and where it occurred, and all that occurred.—A. A few days after the election I went over to Norfolk and saw Mr. Platt at the custom-house; I asked him for the watchman's situation in the custom-house; he asked me who I voted for; I told him John Goode; he told me that was what they were trying to do; my remark was, what? he said to find out those that voted against me; I asked him what would be the result; his reply to me, that those who voted against me (Platt) should not work in that yard, and that was all.

That was the universal impression among the men employed in that yard, that they owed their employment to Mr. Platt and his committee-men; and on the day of election they marched up to the polls and voted accordingly. Now I say, give Mr. Platt Nansemond County; give him Prince George County; give him Norfolk City, and deduct from him this navy-yard vote carried by intimidation and by wrong. The testimony of his own witness, George E. Crismond, testifies that Mr. Platt could not have received less than 567 votes of white men employed in the navy-yard in the city of Portsmouth alone. That is the testimony of George E. Crismond, a member of the republican executive committee, and called upon to testify by Mr. Platt himself. Taking the testimony as correct, then you have 567 navy-yard votes to put against his majority of 512.

Two members who signed the majority report and the five members who signed the minority report, seven in all, throw out the entire vote of the third and fourth wards in Portsmouth, and Hall's Corner precinct in Norfolk County, thereby depriving me of my vote as well as Mr. Platt of his, when it is not pretended that any man voted for me by intimidation. But throw out that entire vote, and it will leave the majority for Mr. Platt in the district but 59. I beg gentlemen to

pay attention to this, because here is the only point of difference between the two members of the majority and the five members of the minority. I repeat, throw out the third and fourth wards in Portsmouth, throw out the Hall's Corner precinct in Norfolk County, although you thereby deprive me of every honest vote I got in those places, and charge me with wrong as much as the man who has had the benefit of it, and who has wielded the power of this great Government shop for his own purpose. But discard these votes as tainted with intimidation and wrong; and what is the evidence?

Thomas S. Morgan (page 428) proves that at Sussex Court House Township there were 13 illegally-registered votes; 7 white and 6 colored.

V. N. Baugh proves that at Stony Creek precinct, in Sussex County, there were 17 illegal votes; 15 colored and 2 white. (Page 432.)

Parke Jones (page 425) proves that at Jamestown Township, in James City County, there were 16 illegal votes; 15 colored and 1 white.

R. W. W. Taylor (page 387) proves that at Nelson Township, in York County, there were 15 illegal votes; 13 colored and 2 white.

J. W. Johnston (page 372) proves that at Benton Township, in York County, there were several illegal votes. L. U. Evans proves 2 or more; color not given.

James H. Elensworth (page 412) proves that at Guilford Township, Surry County, there were 20 illegal votes, principally colored; 18 colored, 2 white.

F. W. Simmons (page 396) proves that at Rives Township, Prince George County, there were several illegal votes. Specifies one particularly, colored.

William Taylor (page 397) proves 1 illegal vote, colored, at Bland Township, Prince George County. Ro. G. Batte proves 2 colored at same place in addition.

James R. Young (page 401) proves 2 illegal votes, colored, at Templeton and Rives Townships, in Prince George County.

W. E. Belscher (page 402) proves 1 illegal vote, colored, at Blackwater Township, in Prince George County.

W. D. Temple (page 402) proves 1 illegal vote, colored, at Sherman's Cross Roads, Prince George County.

Mann Page (page 409) proves 1 illegal vote, colored, at Brandon Township, Prince George County.

A. W. Eley and E. B. Beitt prove 1 illegal vote, colored, at Suffolk, Nansemond County. W. I. Kilby proves another colored vote at same precinct.

At all the places named there were 78 colored votes and 14 white votes which were illegal.

I have given chapter and verse from the whole record, showing that there was an illegal vote of 92, 78 of which were given by colored men and 14 by white men. I ask the House in all fairness what ought to be done with them? The burden of proof is upon my competitor; he has the affirmative proposition. These illegal votes are shown by the record, and it is incumbent upon him to prove that they were not given for him or that they were given for me.

I want now to call the attention of the House to an authority that was read by the gentleman from New York, [Mr. TOWNSEND.] He has read but a portion of that authority. What else does Mr. McCrary say? He says, with regard to the rule contended for by the gentleman from New York:

But it is manifest that it may sometimes work a great hardship, inasmuch as the truth might be, if it could be shown, that all the illegal votes were on one side, while it is scarcely to be presumed that they would ever be divided between the candidates in exact proportion to their whole vote. But the rule which in the absence of proof as to how illegal votes were cast would deduct them all from the majority candidate is much more unreasonable and dangerous. Of the two evils the least should be chosen. We see here, however, how important it is that it should, if possible, be made to appear either by direct or circumstantial evidence for whom each illegal vote was cast.

I read further from section 300:

It would seem, therefore, that in a case where the number of bad votes proven is sufficient to affect the result, and in the absence of any evidence to enable the court to determine for whom they were cast, the court must decide upon one of the three following alternatives, namely:

1. Declare the election void.
2. Divide the illegal votes between the candidates in proportion to the whole vote of each.
3. Deduct the illegal vote from the candidate having the highest vote.

If in any given case it be shown that the proof was within the reach of the party whose duty it was to produce it, and that he neglected to produce it, then he may well be held answerable for his own neglect; and because it was his duty to show for whom the illegal votes were cast, and because he might by the use of reasonable diligence have made this showing, it may properly be said that he should himself suffer the loss occasioned by deducting them from his own vote.

This is the principle involved in the case of Duffey, (4 Brewster, 531,) where the court laid down the following rules:

It is the right of petitioners contesting an election, and also the right of the respondent, to examine the election papers on file in the proper office, and if it be apparent from them that persons have voted in any district whose names were not on the "registry-list" without being vouched according to law, then *prima facie* all such votes are illegal.

When a contest has been inaugurated and complaint been made and notice given that such votes have been received, the burden of proof falls upon the candidate advantaged by the general count in such district to show either that the persons so voting possessed severally every qualification, or, if this be not so, that they voted for his opponent; he must lift the curse which the law imposes upon such ballots; otherwise it will be presumed that they were polled and counted for him; and thereupon the poll will be purged by striking the whole number of such votes from his count.

Now, two gentlemen of the committee have undertaken to divide those votes between my competitor and myself, to guess that Mr. Platt got so many and that I got so many. Now I demand to know by what authority this House can seat a person as a member on this floor by the process of guessing. You are here under the Constitution to judge of the "elections, returns, and qualifications of members." You have no right to guess; you have no right to say, where 100 illegal votes are proved, "We guess that Mr. Platt got so many and that the sitting member got so many." There is no warrant in the Constitution for such a proceeding; there is no such power lodged in any member of this House. You must adopt some rule. And, by the by, the gentleman is mistaken in saying that the committee in the rule they have adopted are following the case of *Finley vs. Walls*. In that case the committee were divided; the gentleman from Kentucky, [Mr. BLACKBURN,] the gentleman from New York, [Mr. BEEBE,] the gentleman from Ohio, [Mr. POPPLETON,] and the gentleman from Missouri [Mr. DE BOLT] joined in appending to the report of the committee in that case a foot-note in which they protest against any such exercise of power by this House as undertaking, where a given number of illegal votes has been proved, to say, "We guess that Mr. Finley got so many and Mr. Walls so many."

But in that case there was no evidence to show what the color of the voters was. The gentleman says it will not do to draw the color line. It is not fair to sacrifice me upon a technicality; it is not fair to sacrifice me upon a sentiment; and I propose to prove from this record that Mr. Platt, and not myself, got every solitary vote of those 78 colored votes. This very author says that you must prove, if you can, either by direct or by circumstantial testimony, for whom the votes were cast. I will prove it by this record. I will prove to the satisfaction of any fair-minded jury that out of the 92 illegal votes cast my competitor received the 78 colored votes and I received the 14 white votes. But if you do not charge them all to him and divide them upon the color line, I am still elected after discarding every solitary vote that I received in the navy-yard at the same time that you discard my competitor's votes there.

Now, did not Mr. Platt get those colored votes? It is a historical fact that the colored people in that locality voted for the republican nominee. I should be willing to put the gentleman on his *voir dire*, and let him stand before this House and the country with his hand upon his heart and say whether he does not believe that of those 78 illegal colored votes he received all and I did not receive any. Why, sir, Mr. George E. Crismond says, on page 143, that as a general thing the colored people voted for my competitor. The deposition of Thomas Cloyd shows that every appliance was brought to bear upon the colored people to make them vote for my competitor. They were told that if I should be elected they would be remanded to slavery; that their children would be bound out until twenty-one years of age. They were influenced by intimidation. The testimony of A. W. Eley and E. B. Britt, of Nansemond County, proves that a man named Moses Reed was seized bodily, taken *vi et armis* by four colored men, and that with one in front, one behind, and one on either side he was marched up and made to deposit his ballot for Mr. Platt; and he was heard to say then and there that he desired to vote for me but dare not do it because he knew that if he did so his life would be imperiled, that the leading republican committeemen and politicians in the county of Nansemond had threatened his life if he did not vote for my competitor.

Again, I refer to the testimony of Mr. Mann Page, of Prince George County, who shows what appliances were brought to bear to influence these colored voters. On page 410 he says:

About a week or two weeks, I don't recollect which, before the election, John Smith, the colored preacher, living in Hampton or thereabouts, paid a special visit, not being his regular Sunday appointment which he has at the Brandon chapel, and held his special services. I understand from colored attendants, the truth of which I do not know personally, he preached from the text, "Sinners, look upon your minister and obey his commandments!" And in that sermon he told them it was their duty to vote for Mr. Platt or leave the church.

"Vote for Mr. Platt or leave the church!" Does any man doubt after such a message as that, coming from such an oracle to such a congregation, how they voted? I cannot follow the testimony through. Here is the evidence of Cloyd, Eley, Britt, Page, and numberless others showing that the colored vote in that district was carried by the appliances and influences to which I have adverted, and that as a general thing it was cast for my competitor and not for myself.

I want the House to make this calculation: Charge me with the loss of every vote at the third and fourth wards in Portsmouth and at Hall's Corner precinct, Norfolk County, and you elect Mr. Platt by 59 majority.

Here are 92 illegal votes. Deduct 59 from 92, and I am elected by a majority of 33. I say that ought to be the rule, because the burden of proof is upon him. He holds the affirmative. He had the opportunity within the ten days left him after my proof had been taken to establish how these men had voted. He failed to do it. He did not exercise the reasonable diligence which the law required of him. I say the burden of proof is thrown upon him to sustain that view, because of this moral, equitable consideration which must come home to the minds, hearts, and consciences of every man who hears me that in the face of this record no man can doubt these 78 illegal colored votes were cast for him and not for myself.

Talk about guessing how men voted in the face of a record such as that, when his own testimony shows this colored vote was carried for

him. Why, the committee recognized that. Look at their report. They have denounced the candidacy of Robert Norton as a conspiracy—against whom? Against Mr. Platt. A conspiracy, why? Because they say it was intended to divide the negro vote. To divide the negro vote! And yet the gentleman from New York, [Mr. TOWNSEND,] after signing that report, comes here and lifts his hands in holy horror at the bare idea of making a division by the color line when he himself has recognized the fact in this very report that his candidate relied upon the colored vote, and the colored vote throughout the district was cast for him.

Now, my own view is that we ought not to guess at all. I believe it can be demonstrated before any judge in this land that wherever a poll is tainted with illegality, instead of guess-work you ought to reject the entire poll. That is so upon reason it is so upon principle, it is so upon authority; and such has been the action of this House.

I can refer the House to numberless cases on that subject. McCrary is the pet author here, it seems, on elections. The gentleman from Iowa [Mr. MCCRARY] is recognized as the pet authority. What does he say?

He says:

It necessarily follows that the election held in violation of the registration laws of the State would be null and void unless it can be shown for whom the persons illegally registered voted.

For what?

So that the poll may be purged.

Unless it can be shown for whom they voted so that the poll may be purged. That is to be found in the American Law of Elections, page 12.

The fourth section of chapter 7 of the code of 1873 provides—

That each registrar shall register all male citizens of his election district who shall apply to be registered, and who shall be of the age of twenty-one years at the first election to be held after the registration, and who are citizens of the United States, and shall have resided in the State twelve months, and in the county, city, or town in which they propose to register three months next preceding any election at which they may offer to vote.

The ninth section provides that—

Ten days previous to the November elections the registrar shall sit one day for the purpose of amending and correcting the list, at which time any qualified voter applying and not previously registered may be added.

The first section of chapter 7 of the code of 1873 provides that—

Every male citizen of the United States twenty-one years old, who shall have been a resident of this State for twelve months and of the county, city, or town in which he shall offer to vote three months next preceding any election, and who is a registered voter in and a resident of the election district in which he offers to vote, shall be entitled to vote.

The fourth section of the third article of the constitution provides that—

The General Assembly shall at its first session under this constitution enact a general registration law.

The law of Virginia requiring persons to register in order to entitle them to vote is mandatory. The power of the State to require registration as a prerequisite to voting will not, we presume, be questioned. Among the absolute, unqualified rights of the States is that of regulating the elective franchise. In *Capen vs. Foster*, Brightly's Leading Cases, 51, the supreme court of Massachusetts held that—

A statute requiring that previous to an election the qualifications of voters shall be proved, and their names placed in a register, is not to be regarded as prescribing a qualification in addition to those which by the constitution entitle a citizen to vote, but only as a reasonable regulation of the mode of exercising the right of suffrage, which it is competent for the Legislature to make.

It necessarily follows that an election held in violation of the registration laws of the State will be null and void unless it can be shown for whom the persons illegally registered voted so that the poll may be purged. (American Law of Elections, page 12; *Ensforth vs. Albin et al.*, 44 Missouri, page 347.)

Matters of substance in the holding of an election, it would seem, may be resolved into such as affect the time and place of election, the due qualification of the officers by whom it is holden, and those affecting the legal qualifications of the electors. (Brightly's Leading Cases, page 448.)

In *Howard vs. Cooper*, Contested Election Cases, page 275, it was held that—

Gross irregularities and palpable violations of law in conducting an election in a ward should cause the exclusion of the entire poll.

In *Myers vs. Moffitt*, Contested Election Cases, page 564, the House of Representatives decided that—

Where the poll was so tainted with frauds and irregularities that the result could not be clearly ascertained, the poll was thrown out. Where the State law required the inspectors to ascertain certain facts of voters and they neglected their duty, thus allowing a large number of unqualified persons to vote, the poll shall be excluded.

In *Reid vs. Julian*, Contested Election Cases, page 822, it was held that an entire poll may be rejected for such frauds and irregularities as render the result uncertain. All the mandatory provisions of the law must be observed, or the election cannot and should not be sustained. In that case the committee, in making their report, say:

We are aware of the fact that it is often argued in defense of irregularities, bad faith, and even fraud in conducting elections, that it is hard to disfranchise the honest voter by reason of the mistakes or misconduct of election officers. This view has been so completely answered by the judges in the opinions already cited that little more need be said on this point. It might be well, however, to add that no legal voter is disfranchised by throwing out a fraudulent poll. The only effect of

such action by the proper tribunal is to destroy the *prima facie* character of the return and to deny the official acts of such officers the legal presumption of correctness usually accorded to the conduct of faithful agents. The way is always open to every candidate upon the trial of any contested-election case to come forward and prove the vote which he received at any and every assailed precinct.

In *Borleau's case*, 2 Parsons, page 503, the court say that—

In a case in which it is shown that in making the preparatory arrangements for holding an election a reckless disregard of, or a criminal carelessness as to, the directions of the law has been manifested, we should hold such an election undue and illegal.

And again, in the same case, the court say:

This court would not hesitate in setting aside an election where they are convinced that in conducting it the laws of the Commonwealth have been infringed.

In view of the foregoing principles and authorities, we insist that the entire vote cast at the Court House and Stony Creek precincts in Sussex County, at Bruton Township precinct in York County, at Jamestown Township precinct in James City County, and at Guilford Township precinct in Surry County should be rejected as illegal and not counted, for the reason that a large number of persons were allowed to vote at said precincts who had been illegally and improperly registered on the day of election and within ten days immediately preceding the election.

It being impossible to ascertain from the returns for whom the said persons voted, the whole poll at the said precincts is tainted with illegality, the true state of the same cannot be known, and uncertainty is thus cast upon the result. In adopting this view, no injustice will be done the contestant. The intention of the contestee to assail the precincts in question was clearly made known and notice thereof given to his adversary. He has been represented throughout by able and skillful counsel. They knew the importance and necessity of sustaining the polls thus assailed, and that it was entirely competent for them to prove by other testimony the actual vote received by the contestant at said precincts.

I lay down this proposition, and I challenge contradiction, that wherever a poll bears upon its face the taint of illegality, where you prove it has a certain number of illegal votes and there is nothing to show for whom they voted and uncertainty is thus cast upon the result, the only alternative, properly and legally, is to reject the entire poll or to prove *aliunde* or from other sources how the men voted. That is legal and it is sensible, and if you depart from it you set out upon a broad sea of conjecture.

McCrary says if you can determine by any testimony, direct or circumstantial, how the vote was cast, it must be taken. The circumstantial testimony in this record proves these illegal votes were cast for my competitor and not for myself. If that be true, then deducting those 92 illegal votes, on that principle my majority is 33. If the entire poll is excluded at those precincts, after giving him Prince George, Nansemond, and Norfolk City, and everything he claims, then my majority is 112.

I have been amused at the course of the discussion here both on yesterday and to-day. The gentleman from Kansas [Mr. BROWN] and the gentleman from New York [Mr. TOWNSEND] are trying to make it appear to this House that all our hope is upon Rives and Bland. Sir, I discard Rives and Bland. I have from the beginning of the discussion until now conceded to the gentleman every solitary vote he got in Prince George, counting Rives and Bland with the rest.

I do not rest my case upon the rejection of Rives and Bland. I wish the gentleman from New York to hear me and I wish the gentleman from Kansas to understand I do not intend my ground of fight in this matter shall be selected by them. I choose to select my own ground, and I do not intend they shall select their position as well as my own. I do not rely upon the exclusion of Rives and Bland. I repeat, I want every man in this House to understand I want to give him Prince George, I want to give him Nansemond, I want to give him the 12 votes claimed in Norfolk City, making his majority 512. Then, I say, if you deduct these votes in the Norfolk navy-yard in his favor, carried by intimidation and fraud according to the decision of seven members of this committee, the vote will stand so as to give me a majority of 55. If you do not choose to do that, and you charge me with my portion of those illegal navy-yard votes, and instead of deducting the 567 which the proof shows were cast for him in Portsmouth, you reject the entire poll at the third and fourth wards in Portsmouth and at Hall's Corner, in Norfolk County, what will be the result? His majority in the district will be 59, without taking into consideration the 92 illegal votes which have been shown at the other precincts. Deduct these 92 illegal votes from his poll for the reasons which have been urged, and my majority in the district will be 33. Divide them upon the color line by charging him with the colored vote and me with the white vote, and my majority in the district will be reduced to 5. No man who examines this record, it seems to me, can entertain a rational doubt that Mr. Platt is properly chargeable with those 78 illegal colored votes.

What did he do in Yorktown? Did he not organize an expedition at Yorktown and attempt to drive Robert Norton as a candidate from the field? Norton was a colored man, a respectable colored man. He had the temerity to be a candidate for the votes of his own race. He was nominated by a mass-meeting on the historic plains of Yorktown on the 4th of July, 1874. Mr. Platt was nominated on the 13th of July, and I was nominated on the 1st day of September. This

record proves that on the 30th of October, my competitor, Mr. Platt, organized an expedition to Yorktown for the avowed purpose of driving Robert Norton as a candidate from the field; that he went in a Government vessel, armed and manned by a Government crew; that he carried with him a cannon manufactured in the navy-yard by Government employes; that he went with cannon and ammunition; that he went with pistols and bowie-knives and bludgeons; that between four hundred and five hundred employes of the navy-yard attended him on that expedition; that when they got to Yorktown and landed, Mr. Platt marched at the head of the column through the streets; that when the line of march passed by a crowd of people who had assembled to listen to Robert Norton, they jeered and shouted and undertook to break up that meeting by all sorts of menacing gestures. And again, that his followers left him, and came down to the stand where I was attempting to speak, and undertook to interrupt me, and afterward at the conclusion of my address, when Robert Norton took the stand, this was the signal for the most disgraceful riot which ever occurred in the Commonwealth of Virginia, a riot which lasted for one hour, in which pistols, bludgeons, and bowie-knives were used, and in which twenty-five or thirty colored people were so dangerously wounded that on account of their wounds and bruises some of them could not go to the polls on the following Tuesday. The proof shows that he organized that expedition and headed the column. It shows that he controlled these navy-yard employes and that they went with the avowed purpose of intimidating and overawing the followers of Robert Norton and driving him as a candidate from the field.

What becomes of Hamburg? Where sleeps the eloquent denunciation of the gentlemen from Ohio [Mr. GARFIELD] and the gentleman from Maine, [Mr. HALE?]? If they can pour out the vials of their wrath and indignation on those people at Hamburg who were involved in that unfortunate disturbance, I ask you how can they bestow their smiles on the instigator and fomentor of this Yorktown riot? Pour out your vials of wrath upon South Carolina, take to your embrace my competitor, to your fond embrace, and gather around him and join in the chorus on that side of the House—

Come rest on this bosom, my own stricken deer;
Tho' the herd hath fled from thee, thy home is still here.

[Laughter and applause.]

So much for the Yorktown riot and so much for the negro vote and the appliances which were brought to bear in that district. But my time is passing away.

I would like to occupy a day upon this question. I wish every man on this floor could understand the case as I do. If this record could be read at the Clerk's desk, every line and every syllable in this testimony, I would be willing to submit the case to the House, democrats and republicans, without argument, so confident am I in the justice of the case which I am here to represent.

Now, I repeat, give Mr. Platt Prince George, give him Nansemond, give him the 12 additional votes in the city of Norfolk, give him everything, and then take from him the votes which according to seven members of the committee were carried in the Norfolk navy-yard by intimidation and wrong; deduct those 567 votes; that will give me a majority of 55. Or, if you do not do that, deduct my vote in the navy-yard as well, giving him a majority of 59; and then there are 92 illegal votes to offset that, 78 of which were colored, with the moral certainty that not one man of those colored people voted for me.

I want to rest this case upon its substantial merits. I want to feel and know that I am the accredited representative of the honest freemen of my district. I would scorn, I say, to occupy this seat upon a technicality. I would not imitate the example of the contestant, who has been here before. I have tracked him. I have studied his record. I have searched it. And I find, notwithstanding that he will follow me presently and talk about technicalities—I find this record, to which I beg the attention of the House: The gentleman was a member of the Forty-first Congress. At the third session of the Forty-first Congress Hon. R. T. W. Duke, coming here from the district which contains the ashes of Thomas Jefferson, presented himself on this floor and sent to the Clerk's desk a certificate from the Commonwealth of Virginia which recited that he, Hon. R. T. W. Duke, had received the majority of the votes, and that he was elected. Now would you believe that my competitor got up here and objected to his being sworn in? That he rose in his place and objected to his being sworn in; and upon what ground? Would you believe it? Upon the ground that the certificate did not say he was "duly" elected. The certificate, signed by the law officers of the Commonwealth of Virginia, signed by the secretary under the broad seal of the Commonwealth, recited that Mr. Duke had received a majority of the legal votes cast in the district, and had been elected. And yet Mr. Platt stood up here, claiming to represent the Commonwealth of Virginia, and demanded that his colleague should be sent back because by inadvertence the technical word "duly" had been omitted.

Now, the gentleman comes here to-day and demands that this House shall shut their eyes to everything like technicalities; and to talk about Rives and Bland, when there is a positive, peremptory law upon our statute-book which says that the poll-books shall be inclosed and sealed, and that the ballots shall be sealed and carried to the clerk's office. This law was violated. But I claim nothing on that score. Give him Bland; give him Rives; give him Prince George;

give him Nansemond; give him the 12 additional votes in the city of Norfolk. Give him, in Heaven's name, everything he has claimed or the committee has claimed, and then I ask this House if they agree with the majority of seven members as against four that the navy-yard vote was carried by intimidation and wrong. I ask the House to deduct from his poll 567 votes which his own witness, George E. Chrismond, a member of the republican vigilance committee of Portsmouth, says he got at the very lowest calculation. Or, if you will not do that, if you deduct my vote as well, then I say in the name of common fairness, in the name of my people, in the name of common justice do not sacrifice me. I will not say that, for I am nothing in this matter; but I say do not sacrifice them on a mere guess, by which you divide 92 illegal votes, 78 colored and 14 white, and charge them to me, when the moral certainty and absolute truth of the case is, as I believe, that not one solitary colored vote in that district of the 78 illegal votes was cast for me. And I would be willing to put the gentleman himself on his word of honor to stand up here and say whether he believes I got one of those votes or not.

Well now, Mr. Speaker, if I have been betrayed into any excitement, I must express my regret. Notwithstanding the flings made at me by the gentleman from Kansas, [Mr. BROWN,] I wish to say that I came here to-day with the deliberate purpose to argue this case calmly and dispassionately. The House will bear me witness that I have not sought to discuss the case from a partisan stand-point. I am now ready to submit it.

I submit it to the decision of this House. So far as my competitor and myself are concerned it is a matter of little moment, but it rises to a question of the highest dignity and gravest magnitude when you come to consider the important principles involved. The House of Representatives are now called upon to determine whether the navy-yards of the country shall hereafter be converted into workshops for the manufacture of political votes, whether the patronage of the Government shall be prostituted for corrupt party purposes, whether the purity and freedom of the elective franchise shall be vindicated and preserved, or whether free-born American citizens shall hereafter be required to march like sheep to the ballot-box and made to deposit their votes as these men did under intimidation, under duress, under constraint. Sir, I say under the full sense of the responsibility which rests upon me in making the utterance, I declare to you that to count or receive votes given under such circumstances is not only a gross wrong, not only a solemn mockery, but a flagrant violation of all the laws, both State and Federal, which regulate the conduct of elections. The House of Representatives, these representatives of free-born American people, are called upon to decide whether they will give their countenance and their support to a system of party tactics by which the attempt has been made in my district to array against the white man all the most violent and vindictive passions of the black man, by which discord and strife have been engendered at a time when the earnest aspirations of good men everywhere are and ought to be for the establishment of a lasting peace, not only between sections but between races.

My time has expired. I thank the House for the patience with which they have heard me, and so far as I am concerned I submit the matter for their decision.

Mr. PLATT (the contestant) obtained the floor.

The SPEAKER *pro tempore*. The Chair would inquire of the chairman of the Committee of Elections what is the understanding as to the continuation of the debate.

Mr. HARRIS, of Virginia. There may be a misapprehension with regard to the time. My understanding is that the agreement between the chairman of the subcommittee who reported this case, and into whose hands it has partly passed as far as the majority is concerned, and the gentleman representing the minority, was that the debate should be limited to six hours, three hours on each side. I understand now that two hours on each side have been consumed, and one hour remains on each side. If that is the case, why the gentleman who now occupies the floor may either occupy his time now or after the previous question is seconded. He cannot have his hour now and then another hour.

Mr. POPPLETON. Perhaps I can enlighten the House a little as to the arrangement. The arrangement was that there were to be three hours on each side and two hours of the time have now been occupied on each side. Two hours of time now remain, and of the hour remaining before the calling of the previous question the majority are to have a quarter of an hour, to be assigned to whoever may be designated, and the minority three quarters of an hour, which will be occupied by the gentleman from Virginia, [Mr. TUCKER.] The previous question is then to be moved, and in the hour after the previous question is seconded the majority are to have three quarters of an hour and the minority a quarter of an hour.

Mr. PLATT, (the contestant.) If I am permitted by the courtesy of the House to say a word on this subject, I desire to state that I feel a deep anxiety to be allowed to respond to the remarks of the gentleman whose seat I contest on this floor. I had understood that the arrangement made between the gentlemen who presented the report of the majority of the committee and the gentlemen presenting the minority report was that each side was to have three hours for debate. An effort was made that it should be confined to two hours before, but it was insisted on the part of the minority that it should be three hours, and that the three hours' debate

on each side was to come before the motion for the previous question, and that after the previous question was called, in accordance to the universal custom of the House, the gentleman moving the previous question had at his disposal one hour for further debate, and that he had agreed to yield fifteen minutes of that hour to gentlemen representing the other side of the question. I find now that the understanding seems to have been that each side was to have but three hours, including the hour after the call for the previous question. If that is the understanding, it leaves but fifteen minutes, unless I crowd out the gentleman from Massachusetts, [Mr. THOMPSON,] one of the gentlemen who signed the majority report; and that being the case, unless the courtesy of the House shall be extended to me so that I may have an hour without crowding out that gentleman, I must decline to say anything on this subject and leave it to other gentlemen to present the case to the House. I ask, however, that the usual course be pursued. I do not wish to deprive gentlemen on the other side of one minute of any time they may desire, but I do ask that I may have an hour, and that gentlemen who wish to speak in behalf of the majority report may not be deprived of an opportunity of doing so on my account.

The SPEAKER *pro tempore*. The Chair can take no cognizance of private arrangements. The gentleman who made the report under the rules of the House is entitled of course to the hour in which to close the discussion. The House, however, may by unanimous consent or by a majority allow that time may be given to the gentleman from Virginia (the contestant) if the House sees fit to do so.

Mr. BLACKBURN. I simply desire to say that I am sure that the gentleman who first addressed the House [Mr. BROWN, of Kansas] and submitted the majority report and myself agree as to the understanding, which was that each side should be allowed three hours for discussion; two hours and a quarter to those supporting the majority report and two hours and three quarters to those supporting the minority report, the previous question then to be asked; and in the hour subsequent to its order the gentlemen of the majority were to have three quarters of an hour and those of the minority a quarter of an hour. That was the understanding. For myself and those with me I say that that is satisfactory to us now.

But if it is desired by the contestant in this case, or by gentlemen who wish to be heard in his behalf, I certainly have no objection to the arrangement between the gentleman making the majority report and myself being set aside, and leaving the House at its pleasure to fix the limit of debate. Should that arrangement be adhered to, there will be three quarters of an hour left to those advocating the minority report and one quarter of an hour to those advocating the majority report before the previous question will be called.

The SPEAKER *pro tempore*. Without objection the arrangement agreed upon by the Committee of Elections will be regarded as the order of the House.

Mr. BROWN, of Kansas. If the gentleman from Kentucky [Mr. BLACKBURN] has no objection, I would suggest that the contestant in this case can take an hour, of which one-fourth of an hour would be due to the majority of the committee in this case, and three-fourths of an hour can be added to the time originally proposed for the minority in this case.

Mr. BLACKBURN. Very well.

The SPEAKER *pro tempore*. Then the contestant will be recognized as entitled to the floor for an hour.

Mr. PLATT, of Virginia, (contestant.) Mr. Speaker, I thank the House for the privilege of occupying for a short time the position upon this floor which is mine by the right of having been elected by a majority of the legal voters in the second congressional district of Virginia to represent them here. I thank the House for this courtesy, and will endeavor to use it in as becoming a manner as possible.

I am here to appeal to each member upon this floor to act in this matter as my judge, as he is. I have the right to ask, as I do ask, of every member that if he is convinced on the testimony and the evidence that I was legally elected to the seat on this floor which I now claim, he will discard all partisan considerations and all personal solicitations and will vote the same way that he would vote were I his political friend and on the same side of the House with himself.

There are questions involved in this contest to which I do not intend to allude, except in so far as it is necessary to explain my personal connection with them.

In regard to the navy-yard at Norfolk and the Yorktown matter, I shall confine my remarks to an attempt to prove and to convince the House that whatever occurred in those places I at least am not responsible. The gentleman who holds the seat which I am contesting and the gentleman who represents the minority report in this case in their remarks yesterday charged that there was proof conclusive that the men employed in the Norfolk navy-yard were drilled and schooled the day before the election; that they were never employed in that yard except upon the condition-precedent and agreed to by them that if they were so employed they should vote for me in the coming election. Now I challenge either of those gentlemen to take this printed record of five hundred and twelve pages and name one witness who testifies that he was employed in that navy-yard on the promise, express or implied, that he would vote the republican ticket. I ask them to name one witness among them all who certifies or charges that the men employed in that navy-yard were drilled on the day before election or at any other time as to how they should act and vote on the day of election.

The gentleman whose seat I am contesting, when asked by the gentleman from Kansas [Mr. BROWN] to show any such testimony, read in reply the testimony of a man by the name of Bain. Now I wish to show the House how much reliance is to be placed upon the testimony of such a man as he is. That man Bain, who had an alias at the place where he lived, was a professed republican, a man who professed devotion to the republican party, and claimed that he voted the republican ticket, in his testimony swears that he never voted any but the conservative ticket. The testimony shows conclusively that he professed openly to be a member of the republican party, endeavored to be placed on the republican vigilance committee, and found so much fault when it was organized without him that he was placed there in response to his request.

The reliability of the testimony of Bain may be shown by himself and others. On page 235 Bain testifies as follows:

Question 23. Was any pecuniary assessment made upon you as an employé in the navy-yard, or did you pay without assessment any money for Mr. Platt's election purposes during the last campaign?

Answer. I did, sir—one day's work—\$3.26.

Q. 24. Did you pay that money willingly or under constraint?

A. I paid it because I knew I would be discharged if I didn't; it was against my will.

Q. 25. To whom did you pay it?

A. Mr. John Callahan, master workman in iron-platers' department.

On page 482 John Callahan testifies as follows:

Question 10. Do you know William Bain, of Portsmouth?

Answer. Yes, sir.

Q. 11. Was he engaged in your department during the fall of 1874?

A. He was.

Q. 12. He has stated in his testimony that he paid you \$3.26 for Mr. Platt's election purposes during the last congressional campaign. Did he pay you that sum or any other amount for the purpose named?

A. He never paid me a solitary cent.

I also want to call attention to the testimony of Mr. J. Rose, on page 486, in regard to Mr. Bain. Mr. Bain, having professed to be a member of the republican party, after I had given notice of my contest, being out of work, not by reason of being discharged from the navy-yard, but by his own act in voluntarily absents himself, went first to the gentleman who now occupies the seat I claim, and from him to my friends, trying to sell his testimony to the highest bidder. Mr. Rose testifies:

Question 4. State the substance of any conversation had with Mr. Bain in regard to his, Mr. Bain's, visit to Mr. Goode.

Answer. The statement given in my first testimony is the truth, and is as correct as information can be given of conversation between individuals.

Q. 4. Mr. Bain says he did not tell you that Mr. Goode sent for him; is that true?

A. Mr. Bain told me that he was sent for by Mr. Goode.

Q. 5. Was it a voluntary statement, or did you ask him?

A. It was a voluntary statement.

Q. 6. Did he tell you that Mr. Goode asked him if he knew anything that would be useful as testimony in this case?

A. He did.

Q. 7. Did he tell you his reply was that he did not know anything that would do Mr. Goode any good?

A. He did; that was the substance of the statement. I don't know that it was the exact language.

James H. Clements, on pages 501 and 502, testifies as follows:

Question 10. State the substance of any conversation you ever had with William W. Bain in relation to his visit to Mr. Goode, some time after the election last fall, and whether you sent for him or not.

Answer. Mr. Rose came to me one day, and said that I ought to see Mr. Bain; I being chairman of the republican committee, that Mr. Bain could give me some information, he thought, which I ought to possess, in relation to this contest, or words to that effect. I sent for Mr. Bain and had some conversation with him. He stated that he would like to see Mr. Platt, or that if he could see Mr. Platt, I am not certain about the language, he could give him some information which he thought he ought to have, in relation to the contest. I told him that Mr. Platt was in Washington, and that it would cost something to go there, and that I did not feel disposed or did not have the money to pay his way, but I would try and arrange for him to go to Washington. I told him that the United States court would meet in Alexandria shortly, and that there would be jurors summoned from all parts of the State. I would suggest his being summoned as a juror, which would enable him to visit Washington without expense, when he could see Mr. Platt, and, also, other friends; and that he might, by calling on the chief of the Bureau, be put to work in the yard. I did write and make the suggestion to the United States marshal, and also to Mr. Platt, stating to Mr. Platt that Mr. Bain desired to see him. Mr. Bain, however, was not summoned on the jury. At that interview I said to Mr. Bain that I would not ask him what his information was, for if he gave it to me he might give it to others, and I thought if it was of any importance he ought to retain it until he saw Mr. Platt. He said those were his views; and we parted. I afterward saw Mr. Platt in Washington, and told him of my interview with Mr. Bain, and spoke of my effort to have Mr. Bain summoned on the jury. Mr. Platt informed me that he was sorry that he had not seen him, adding, "Of course you know I could not undertake to influence Ramsdell in the selection of his jury."

Of course I declined to accede to the request that I should ask that he be summoned upon the jury so as to get here without expense to see me.

Such is the witness upon whom the gentleman relied to prove the allegation so earnestly made by the gentleman from Kentucky and by himself. And let me say that while I cannot, and no other gentleman can, in the limited time allowed here, meet the statements made in regard to the testimony of these witnesses, yet any gentleman who will take the time and trouble to examine this voluminous record of 512 pages will find that in almost every case when a witness called by the sitting member gives testimony which would appear to damage my case, it is overwhelmingly met and refuted by witnesses summoned in rebuttal by my counsel.

In regard to the charge of intimidation in the Norfolk navy-yard, (and I ask the House to remember that I am not asking now to have the navy-yard vote counted,) the majority of the committee have

given Mr. Goode everything he asked; they have thrown out every vote that Mr. Goode asked to have thrown out. After this is done, unless they also refuse to count the votes given for me in the townships of Rives and Bland, Prince George County, where I had a majority of 408, I am still elected. Now, I say, let the illegal vote be divided in any way in which you may choose to divide it; let any fair division be made of the illegal votes cast by men registered after the time prescribed by law; and bear in mind that every one of the officers of election who registered these men was a democrat, a friend of my competitor. Divide the illegal vote as it was divided in the case of Finley vs. Walls, in which case, I believe, the entire committee united except as to one or two townships which the gentlemen referred to as dissenting from the report were in favor of rejecting entirely; divide those illegal votes upon the color line, and unless you take from me votes cast for Robert Norton in the county of York, himself a colored man, I am still elected by a majority of 7 or 8. Gentlemen cannot figure it out differently. Taking those illegal votes, black and white, as reported in the testimony, no different result can be reached.

But, sir, it is charged that men in the navy-yard were intimidated and assessed. I dwell on this subject to show that the testimony has been much perverted; that the facts in the case do not warrant the conclusions which have been drawn from them by the minority of the committee. In regard to the assessment in the navy-yard the testimony can be condensed into a very short space. Although I have not been charged with any connection with that assessment I wish to state, in order that my position on the subject may be known and the course pursued by me understood by the House, that the first intimation I ever received that such assessment had been attempted or made was when, while engaged in the campaign with my competitor, I reached the city of Richmond September 29, 1874. I there received a Norfolk paper containing the statement that the committee having charge of the campaign in my district had issued a circular to the navy-yard employes. Immediately upon seeing that announcement I wrote to H. B. Nichols, chairman of the republican executive committee, the letter which I hold in my hand. I informed my counsel of the existence of this letter while they were taking testimony; but as they were obliged to crowd so much into a few days, and as they considered the matter of so little importance that the House would give little attention to it, they failed to have it appear in the evidence. But there is no question about the fact of the genuineness of the letter or my having sent it, or of its reception and the result. It was read before the Committee of Elections by the consent of the sitting member. I ask to have it read from the Clerk's desk in connection with the newspaper article which it brought out. I ask the attention of the House to the reading, in order that members may understand my position in regard to this question and the course I took in this matter of assessments.

The Clerk read as follows:

RICHMOND, September 29, 1874.

MY DEAR NICHOLS: I see by a Norfolk paper, which somebody gave me today, that you are charged with issuing a circular making an assessment upon the men employed in the navy-yard, containing language which would induce them to consider the matter compulsory. I have not seen the circular, and if you have issued one am sorry for it. If you have done so, however, it must be understood plainly that it is only a request for contributions on the part of the committee, and that it is entirely a voluntary act on the part of any one choosing to give, and that the navy-yard employes are on precisely the same footing as all other men.

I will be no party to anything that has the appearance even of forced or compulsory assessments, and if there is anything in your circular capable of such a construction it must be at once withdrawn and explained.

We had a fine meeting at Providence Forge on Saturday and at Prince George yesterday. I go from here to Sussex to meet Goode in joint discussion, and shall be in Norfolk Friday evening if I can get there.

Hastily, but sincerely, your friend,

JAMES H. PLATT, JR.

NORFOLK, VIRGINIA, May 3, 1876.

I certify that the above letter from Hon. James H. Platt, jr., was received by me at Norfolk, Virginia, on the 30th day of September, 1874, and that I immediately prepared and had published in the daily Day Book the following card:

TO THE PUBLIC.

ROOMS REPUBLICAN EXECUTIVE COMMITTEE,
SECOND CONGRESSIONAL DISTRICT, VIRGINIA,
Norfolk, Virginia, October 1, 1874.

The statement that any one working in the navy-yard or in any other position under the Government in this district has been threatened with discharge unless they contributed to the campaign fund of this committee is utterly false. The subscription is entirely voluntary, and no compulsion of any sort has been used or attempted.

The congressional committee simply request all republicans who are able and willing to give anything to meet the necessary campaign expenses to subscribe such sums as they can afford. This is a plain statement of facts. Colonel Platt is a candidate, and is in no way consulted in the matter, pays his own expenses and also contributes liberally to the expenses of the campaign.

The congressional committee are alone responsible for collections given to carry on the campaign and control the canvass as they deem meet for the interests of the party.

H. B. NICHOLS, Chairman.

And that the copies of the papers containing it were extensively circulated among the navy-yard employes and in other parts of the district.

H. B. NICHOLS,

Chairman Republican Executive Committee.

Mr. PLATT, of Virginia, (the contestant.) I now desire to call attention to the testimony upon these sweeping charges that have been made that men in the navy-yard were compelled to pay money for carrying on the campaign in my behalf, or were discharged from the

navy-yard for not supporting me. I refer to the testimony of witnesses brought forward by my competitor for the purpose of proving this point.

R. H. Anderson (page 306) refused to pay anything.

James Meads (page 316) paid \$3.26 willingly; the men did not respond generally to the assessment made.

William R. Webb (page 349) paid a day's pay unwillingly.

Richard H. McClean paid \$20; not more than one-third of the men in his department paid anything.

V. O. Cherry (page 367) refused to pay.

Let me now refer to the testimony of witnesses summoned by myself upon this point. First is the evidence of William Smith. He testifies on page 99 that he paid \$2 of his own will; never saw circular and no assessment was made on him.

William Teemer, (pages 106 and 107 :) No assessment put on him; paid from a sense of duty; never saw circular; heard of it and then heard it contradicted.

Now I wish to call the attention of gentlemen on the other side to the testimony of William F. Allen, who was a conservative superintendent, managing the campaign for the sitting member. I refer to this testimony on pages 114 and 115.

Money was collected from conservative corporation and State officers. His understanding was that a man was not worthy to hold office under the conservative party unless he was willing to contribute money to help the conservative cause.

Mr. Speaker, I charge here in this campaign, while it is charged that republicans collected money from republicans as far as they could, that there was not a single officer holding an office under the party of which my competitor was the candidate who was not compelled to pay an assessment on his salary and the emoluments of his office to this gentleman who managed that party in the district during that campaign. Allen himself, the conservative superintendent, states in this testimony that his understanding was that a man was not worthy to hold office under the conservative party unless he was willing to contribute money to help the conservative cause.

George E. Crismond, a witness of whom I shall have more to say hereafter, and who was quoted so often by my competitor, certifies on page 141, question 24, on cross-examination, that he did not pay anything, because he was short of funds.

John Callahan, pages 177 and 178, says:

Paid \$20 voluntarily, and when he received the circular showed it to workmen and said whatever they felt like paying on that list to pay it. Some paid and some did not, and that was the end of it.

I undertake to say, Mr. Speaker, that assessment was not compulsory in any sense, way, or manner; that it was simply understood by the men if they chose to pay it would be cheerfully accepted by the committee, but no man was in any shape or manner intimidated or threatened that if he did not pay he would be discharged from the yard.

I come now to the testimony in regard to intimidation of men employed in the navy-yard at Norfolk, in reference to whom it has been charged that they were compelled to promise to vote for me, and that if they did not vote for me they would not be able to obtain employment in the navy-yard or would not be retained there if they were already employed. I call attention, first, to the testimony, and I will go through it as briefly as I can, of some witnesses summoned by the sitting member.

William J. Richardson, the foreman of the joiners in the ship-yard department, page 299, conversation with William F. Smith. He (Smith) did not say but I supposed he meant, you must come recommended from the republican executive committee; and, question 2, cross-examination: Was employed by William F. Smith, foreman of shipwrights. Questions 5 and 7: Never conversed with any one about his politics, and never asked committee for recommendation. Does not say he ever obtained recommendation of any committee, or ever promised or was asked to promise to vote the republican ticket.

Dale B. Luke, a witness summoned by the sitting member, under cross-examination, certifies, page 271, question 4:

Applied to William F. Smith in May, 1874, for work. Afterward met Edward Lookins, who told him the committee had very little influence in the yard, and he had better go to Mr. Platt, in Norfolk, and ask him for employment. He replied, "I told him that if I never get any work in the yard until I go to seek it from Mr. Platt, I would never get in the yard; and, furthermore, I told him that I would not promise or bind myself to vote for any man in that way;" was employed about three weeks after this conversation.

I call attention to the fact that notwithstanding this statement that he was a conservative, made by the witness, he was employed after this conversation with Mr. Smith in the navy-yard.

Another witness summoned by the sitting member was B. F. Rosson.

B. F. Rosson, page 347, question 7, cross-examination: He went to see Mr. P. C. Asserson, through the advice of Laban Smith, a leading republican. "Was speaking to him about a job of work, and asked him if he thought I could get into the navy-yard, as he knew I was a conservative. He told me to go over and see Mr. Asserson, and probably I could get a job. I went over to see him, and after that heard that my name was to be called," that is, that he was employed. Does not say he made or was asked to make any promise; on the contrary, does say he told Smith he was a conservative.

I refer to other witnesses.

William R. Webb, page 350, question 6: Nobody asked him whether he was a republican or not; and, question 9, that to his knowledge no such question was asked others.

William F. Smith, page 358, question 6: Would not employ men recommended by committees unless they were good mechanics; if they were not good men would not take them. Have heard complaints of the large number of conservatives employed in the yard when good republicans were walking about doing nothing.

Richard H. McClean, foreman of boat-builders, page 360, question 13: The men in his department during the campaign were not generally employed at the request and recommendation of the republican executive committee; and, question 2, cross-examination, men were not taken on or discharged on account of their politics.

Henry L. Perkins, foreman of ship-joiners, page 361, question 3, cross-examination: No men were discharged from his department, or warned that they would be discharged, either on account of their politics or failure to contribute money for campaign purposes.

V. O. Cherry, page 366: Was out of the yard and reported as being a conservative and abusing the Administration. Mr. Clements, chairman of the republican executive committee in Portsmouth, went with him to the foreman, Smith, and he was employed. Does not say that he denied the above charge or made any promise; but in cross-examination, page 368, question 16, says he never heard any foreman or other person having authority in the navy-yard make any threats of discharging employes on account of their political sympathies.

The witnesses to whom I have called attention were all summoned by the sitting member, and the testimony of witnesses summoned by my counsel is overwhelming in the same direction.

Therefore I claim, Mr. Speaker, that there has been no proof whatever connecting me with any attempt at intimidation at the Norfolk navy-yard for political purposes, and that the charge that men were made to promise how they would vote as a condition precedent to obtaining employment is conclusively disproved.

I have said as much as I have on this subject that I might personally be placed in a proper position in this connection, and not that I desire to make any argument against throwing out any votes Mr. Goode has asked to be thrown out, as it is not material to my election that they should be counted. Therefore, monstrous as is this robbery of suffrage and of my rights, and protesting against the great wrong of throwing out these votes, I pass to the consideration of other points involved.

Mr. Goode says it is my business as a contestant coming here to contest his seat to prove all the allegations I make in defense of my claim. I accept that conclusion, and I ask the House to consider the proof I have presented in support of the claim I make. Mr. Goode admits, and he must admit, the only way by which he became a sitting member in this case, the only reason given, and the only reason that exists—that he received the certificate instead of myself—was because of an informality in the certificate from Prince George when presented before the State board.

I am not attacking the members of the State board for their action. I simply ask the House to say whether in its judgment their conduct was correct. The circumstances were these: After having thrown out 206 votes from the county of Nansemond which the committee are unanimous in awarding to me, I was still upon the returns presented to the secretary of the Commonwealth 294 votes ahead in the count. The certificates filed in the office of the secretary of state after the rejection of the votes thrown out in Nansemond County showed a majority for me of 294 votes. If that majority of 294 votes had not been overcome in some way, that State board certainly would have been compelled to issue to me the certificate of election instead of to my competitor. Why did they not do it? What was the only reason assigned? I ask the attention of every gentleman in the House to this point; because it is not an improbable supposition that any man in the House may himself be placed in the position I occupied on that occasion.

My competitor claims that the entire vote of the county of Prince George, which gave me 425 majority, should be rejected because of an informality in the return from that county made by the clerk of the county court, a friend of the sitting member. What was that informality? The return was under the seal of the court, but it lacked the words across its face: "Attest: Robert S. Gilliam, sr., clerk." The words which appear on this certificate which I here exhibit were lacking on the certificate presented to the board of canvassers. For that reason and that reason alone, solely and entirely, that board rejected the vote of that county, thus depriving me of 425 majority and making for my competitor a majority of 131, and giving him the certificate made me the contestant and placed him in the seat he has since occupied.

Now, sir, at that meeting of the board of canvassers, when the discovery was made that these four words were lacking in the certificate, I took from my pocket this certificate which I here exhibit, which I had procured from the clerk the day after the official count by the county commissioners for another purpose, and presented it there and then to the board before they had made their decision. This certificate is attested by the clerk, and the seal of the county, which makes it legal evidence in any court of Virginia, is affixed. I presented that to those gentlemen, and whatever else it was not, it was certainly conclusive and overwhelming testimony that the clerk's failure to attest the certificate he had previously sent to the secretary of state was a mere clerical error, and that he did not certify to the truth when he said it was an exact copy of the certificate made to the com-

missioners, because it was proved to the satisfaction of every honest and honorable man that he had merely failed through inadvertence to attach his signature in that place to the certificate.

Now, what was the duty of the State board under these circumstances? The county seat of Prince George County was only three hours from the city of Richmond. It would only have taken three hours for a messenger to go and return. And the law of Virginia requires that if from any county, within twelve days after the day of election, no such certificate as is required by law is forwarded to the secretary of the Commonwealth, it shall be the duty of that officer to send a special messenger to the clerk's office of said county to procure such a return as is required by law. Now, that imperfect certificate had been in the office of the secretary of the Commonwealth for more than two weeks. The fact that it was an imperfect certificate was known to my competitor. He testifies that that fact was brought to his notice on the 18th or 19th of that month. Why was it so carefully concealed from me and from my counsel? We were notified to go before that board on the question of the amended returns. We did not receive the slightest intimation, not a syllable of intimation, that there was any other question involved. It was not until the sitting member at the close of his argument made on that occasion—an argument so carefully prepared that he read it from printed slips—it was not until he had finished his argument before the board on the reception of the amended returns, when, pausing for a while, he said:

If the board could not receive those amended returns, he still claimed that he was entitled to the certificate because of an informality in the return from Prince George County.

And those words from him were the first intimation I or my counsel had received that such a question would be raised before that board. Now, I ask every fair-minded gentleman on this floor to give his attention to the fact that except for the act of the board of State canvassers in rejecting that certificate I would have been seated. That board consisted entirely of democrats. There is no republican representation on it. They may be high-minded officers and honorable men. I am not attacking them. I am stating what is undisputed, what no man here can deny, that those gentlemen assembled together to perform this duty prescribed by law did reject the whole vote of Prince George County—which gave me a majority of 425—because the words "Attest: Robert S. Gilliam, sr., clerk," were not on the certificate; and that instead of giving me the certificate of election, which they would have been compelled to do but for that fact, they gave it to the sitting member; and that solely for this reason—and I defy contradiction to the statement—and no other, he is to-day enjoying the great advantage of being the sitting member in this contest.

Now, under these circumstances what was the position in which I found myself? I ask every honest, honorable gentleman on this floor acting in the capacity of a judge to let his mind dwell for a moment on this state of facts? I found myself deprived of the certificate which I believed belonged to me, deprived of 206 votes cast for me by legal voters in the county of Nansemond and of a majority of 425 of the legal votes cast in the county of Prince George; I believed that there were 631 legal votes of which I was deprived by the action of the officers of the election. I want you to bear the fact in mind that the entire machinery of this election district and of the State was in the hands of the friends of my competitor from the highest officer to be lowest, the entire control of the election, the entire control of the law, the entire control of the appointment of all the election officers and by the action of these friends of the sitting member, by their clerical errors and omissions I had been deprived of the certificate of election when I did receive a majority of over 600 legal votes.

I ask any gentleman what he would have done if he had been in my place in similar circumstances? Sir, he would have done precisely what I did. I sent a notice of contest to the gentleman who had received the certificate of election, and the allegations that I made in that notice of contest have been proved beyond a possibility of doubt or denial. I have proven that I was deprived of 206 votes in the county of Nansemond and of a majority of 425 votes in the county of Prince George, which would have given me a majority of 500 votes after subtracting the votes by which my competitor was returned by the State board. I have proven that fact beyond all possibility of doubt.

After I had presented my notice of contest, then the sitting member, to meet the case thus made, presents all these side and collateral issues which he now asks the House to consider. Now for the first time we hear of intimidation at the navy-yard; now for the first time we hear of illegal votes. I call the attention of the House to the fact that in every single instance where irregularities occur which would damage me they have occurred in precincts where I always received a majority at preceding elections, and the officers of the election were every one of them friends of my competitor, and in no instance did election officers, his friends, permit clerical errors to occur or omissions to be made in a precinct where it would damage him to have irregularities of any kind.

Now, then, we come to the action of the committee. What have they decided? They have taken this voluminous testimony, all these facts, and brought them down into a comparatively small compass. They have made the case rest entirely and solely on the question whether the votes of the townships of Rives and Bland in Prince George County should be counted for me or not. I assert here, and

I defy successful contradiction, that the whole question must be decided on that point; whether the 408 majority given me in these townships shall be counted for me or not. Now, what are the facts surrounding that vote in those two precincts? There were six judges in those two precincts, and five of them were democrats and supporters and friends of my competitor. They swear that this election was honestly, fairly, and legally conducted; that there was no fraud; that at the close of the polls at sunset they, in accordance with law, proceeded to count the votes thus legally and lawfully cast during the day; that they strung the ballots on a string; that they entered the result on the poll-books, so far complying with the terms of the law. What did they do then? They looked around for something to seal up the returns with, and they testified—and their statements are unquestionable—that the only reason why they did not put them under seal was that they could find nothing to seal them with; they had no sealing-wax. It was three miles to the nearest store and six hundred yards or more to the nearest house. The testimony shows that they tried to find something with which to seal up the returns; they applied to the occupant of the nearest house, but were unable to find anything suitable. In one precinct they put the returns in a tin box and locked it and in the other precinct in a paper bag and sewed it up. The returns were taken charge of by the democratic judges, were delivered into the custody of the democratic clerk of the county, and counted without question by the democratic commissioners of the county.

Now my competitor asks that the House shall refuse to count the votes so cast and returned simply because these judges failed to put sealing-wax on the outside.

I desire, now, Mr. Speaker, to call the attention of the House to a few cases in Virginia where questions like this arising under the laws of Virginia have been settled. I will first call the attention of the House—and I beg them to give their attention to it because it is a case where a question of this kind was adjudicated within the last few months by the senate of Virginia—and let them see what the democratic senate of Virginia considers to be a mandatory and directory law, and if an omission of this kind may be allowed to vitiate an election.

I hold in my hand a report of the majority of the committee of elections in the Virginia senate, which was adopted by the senate in the case of *Knight vs. Johnson*. By reference to page 17 of that report there will be found the following:

Let it be conceded that the officers of elections did commit a fraud, and we come then to the second principle propounded, that still, if there remains any means of ascertaining the result, it should be respected and upheld.

They go further than the majority of the Committee of Elections of this House; they go further than Mr. McCrory in the American Law of Elections. They hold that not only where there is an omission to do some act prescribed by law, but even in case of actual fraud by the judges of elections, if there remains any means of ascertaining the correct vote cast, that vote shall not be rejected, but the result when found shall be accepted. And they cite several authorities to prove the correctness of their decision, in part as follows:

In the case of *The People vs. Bates*, reported in 11 Michigan Reports, page 364, the supreme court of that State said:

"The elector is not to be deprived of his vote, either by the mistake or fraud of the inspector in depositing it in the wrong box, if the intention of the voter can be ascertained with reasonable certainty."

That is a principle well understood and always heretofore acted upon by this House of Representatives. I venture to say here, and I challenge any gentleman in this House to show any authority against the assertion, that not one single precedent can be found in the history of the American Congress, from the first Congress that ever assembled down to the present time, where the House ever consented to reject votes under these circumstances. On the contrary, there is running through the history of contested elections before Congress one unbroken line of precedents against any such deprivation of the people of an election district of the right to vote. The committee of the Virginia senate cite the following case:

In the contested-election case of 1868, before the supreme court of Pennsylvania, (see 65 Pennsylvania State Reports, page, 44.) Chief Justice Thompson delivered a minority opinion, in which he used language which was afterward, in *Chadwick vs. Melvin*, 68 Pennsylvania Reports, adopted unanimously by that tribunal as a correct principle of law. He said:

"There is nothing which will justify the striking out of an entire division but an inability to decipher the returns or a showing that not a single legal vote was polled or that no election was legally held."

These are principles fixing clear and wholesome rules of law for judicial guidance, and we know of no case which repudiates them as unsound. The contestant laid great stress upon the case of *Littlefield vs. Green*, Brightly's cases, 493. It will be seen that the facts there uttered obscured every conjecture, even as to the result; but that the court, so far from disputing, expressly approved the principle which the committee has adopted.

There the judges of election certified that at Virginia precinct, Cass County, 2,820 votes were cast in favor of removing the county seat from Beardstown to that place. The whole population of that precinct, of all sexes, ages, and conditions, did not exceed 1,800, and among them were but about 450 legal voters. There were thus about six votes in the box for each legal voter, and two, at least, for every inhabitant. Every vote was for the Virginia precinct as the county seat. Of course this stupendous fraud—too obvious to question—caused rejection of the return; and the case is cited as an authority for rejecting the return before us now. The principle upon which the court acted, so far from leading us to the conclusion invoked, expressly denies that in all cases of fraud the return must be thrown out; for it was said:

"It is undoubtedly the rule that, if the canvassing court can separate the legal from the illegal votes and reject the illegal ones, they are bound to do so, and that

mere irregularities in the manner of conducting an election or a fraud on the part of the officers will not vitiate, unless it be of so gross a character as to destroy all means of ascertaining the true result."

And we may add here, as an indication that public policy enjoins the enforcement of these doctrines, that in some of the States the injustice of setting aside elections by the people because their official agents have been guilty of misconduct has led their Legislatures to declare (as in California and Indiana, for instance) that even where malconduct of the election officers is shown affirmatively, still the election shall be upheld, unless it be also shown that their malconduct affected the result.

That is the principle that the committee on elections of the Virginia senate advanced and which was adopted by the Virginia senate in construing Virginia laws. Yet we are asked by a citizen of Virginia to reject the vote and disfranchise the people of a county in our State because the judges of election failed, through their inability to do otherwise, to put sealing-wax on the outside of the returns when they were sent from the precinct to the court-house; that is the whole reason for asking for their rejection.

I wish now to call the attention of every member of this House who ever expects again to be a candidate before the people to the effect of such a decision as this if made here. No gentleman can say that he may not himself be placed in some future Congress in the position I am now occupying. If you had gone into the last Congress of the United States and tried to select among its members the man who had the least chance of appearing before this Congress as a contestant, I should have stood as good a chance to be so selected as any man in that Congress.

Any one of you may be found hereafter in the position I now occupy, and it becomes you all to judge this case as you would yourself be judged if placed where I am now. Suppose that Congress should make now the rule that the mere act of omission on the part of an officer or judge of election should vitiate the entire vote of the county or precinct; where is there one of you who in your district has not hostile election officers, more or less of them? Make a law and precedent that this thing asked to be done here now shall be done by Congress, and you make it a question not of how many votes you may receive in your district, but as to which party has the most election officers who will commit acts that they cannot be punished for, acts of omission or commission, which party can commit the most of these; and in that way you may destroy the entire majority in any congressional district in the United States and make the holding of an election a mere farce.

That is the reason why no precedent for any such decision can be found, because no Congress has ever assembled in the history of our country which was willing to stultify itself and endanger the entire liberties of the people by placing upon the statute-book a precedent of that kind.

I desire to quote one other Virginia case, and ask the attention of the House to it. I hold in my hand an opinion delivered by the gentleman who now represents the sixth congressional district of Virginia on this floor, and who I understand is to speak in this case. I hold in my hand an opinion given by Mr. TUCKER, of Virginia, when he was attorney-general of that State, in relation to the election case of *Fulkerson vs. Stras*.

The circumstances of that case were these: The two persons named were candidates for the office of judge in a judicial district composed of several counties. The law of Virginia requires that the sheriffs of the counties, after the votes have been cast, shall assemble together, count the returns, and declare who has been elected. The sheriffs in that judicial district occupy the same position that the State board of Virginia occupied in this case toward the congressional district.

Mr. TUCKER. Do I understand the gentleman to say that the sheriff occupied the same relations as the State board?

Mr. PLATT, of Virginia, (the contestant.) I say that the sheriffs are the returning officers in that case and the returns are submitted to the sheriffs sitting as a board of elections. Am I not correct in that statement?

Mr. TUCKER. I will answer the gentleman in due time; I only wanted to hear what his point was.

Mr. PLATT, of Virginia, (the contestant.) I would simply say that the returns from one precinct in this judicial district failed to be signed I think by one of the officers. Upon this point the opinion states:

The objection to the poll at one of the precincts is that it is not certified by the conductor, though it is by the commissioners; and to those at the others, that they are neither certified by conductors or commissioners. Upon inspecting the poll-books for these precincts I find that there were conductors and commissioners sworn for each precinct, according to law; that the polls are taken in the usual form, under a suitable caption; and that the clerk has sworn (as appears of record) that the polls were fairly and properly taken according to the lists made out.

It is true that the law requires the conductors and commissioners to certify the correctness of the poll. This must be, as it has ever been, construed as directory, but not essential to the validity of the poll. It was never designed to defeat the popular will by a deficiency in formalities, which the law only prescribed to secure its full and free expression; and however important these may be, it would be monstrous to set aside the voice of the people because a public officer failed to do his duty. This would be to put the form before the substance, to prefer the shadow to the reality.

In concluding the opinion the following language is used:

I believe the views I have expressed will be found best to preserve inviolate the provisions of the Constitution, the substantial requirements of which should never be made to yield to forms devised by the law as means to the attainment of constitutional ends. To surrender in this case any of these requirements to the forms prescribed by law would defeat the popular will, to which the Constitution gives the supremacy.

I also call attention to the indorsement given to this opinion by the then governor of Virginia, Henry A. Wise, who says:

No mere failure of ministerial and executive officers to do their duty can either vitiate or nullify the votes of the people to elect a judge or other officer if they, being legal voters, did in fact, at the time and places and in the manner prescribed by law, declare their votes. To have their votes returned and counted is as much a right and as sacred as the right to vote according to law. Of neither right can any power in Virginia deprive them by acts of either commission or omission; and neither depends on the acts of ministerial or executive officers. That the legal voters at the precincts of Lee County, the polls of which have been rejected by four of the sheriffs, did so declare their voices, I am satisfied from the returns and certificates which have been made. The votes were legally taken of legal voters, but the polls merely were not properly certified. The officers, conductors, and commissioners at some of the precincts have incurred penalties, but the legal voters are not thereby to lose their votes actually polled.

Mr. TUCKER. That opinion was in the case of Stras.

Mr. PLATT, of Virginia, (the contestant.) Does the gentleman now repudiate that opinion?

Mr. TUCKER. No, sir; I do not. This House will sanction the proposition that I do not go back on my opinions when gentlemen cite them, and no gentleman gains much advantage by undertaking to cite them against me.

Mr. PLATT, of Virginia, (the contestant.) I am very glad that the gentleman does not go back on his opinions. I do not want him to go back on this opinion, and rejoice that he holds the sentiments he then expressed to be good law now.

Now, Mr. Speaker, one word in regard to the illegal votes cast. It is alleged by the minority of the committee and by Mr. Goode that 90 illegal votes were cast in that district. What were those illegal votes? I desire to have the House clearly understand what they were and how they came to be illegal. They were not the votes of men who are not legal voters; they were not cast by men who did not possess all the attributes of a legal voter in respect to residence in the townships where they were required to vote. These votes were cast by men who, by reason of the fault of the registration officers—every one of whom was a friend of my competitor—had been permitted to register after the time prescribed by law. The law of Virginia requires that the registration shall close ten days before the election. These illegal votes are, I believe, in nearly every instance—there may be one or two exceptions—the votes of men whose names were put upon the registration-list by the registration officers within the ten days next preceding the election.

My competitor charges these illegal votes against me; and according to the common law, (and I suppose no gentleman in this House will dispute it,) it was his business, as he has charged these illegal votes, to prove them and to prove for whom the votes were cast. Now, it is said in the minority report, and the gentleman from Kentucky repeated it in his speech yesterday, that my competitor had no time and no opportunity to prove these illegal votes, because they were not discovered until the eighty days had elapsed in which he could take testimony.

Now I hold in my hand the record of the time of taking testimony in this case, and it answers beyond the possibility of doubt the statement made by the gentleman in that respect. Mr. Goode commenced taking testimony as early as March 4. On the 4th of March he took testimony in York County; on the 30th, in Prince George County; on the 23d, in Surrey County; on April 8, in Sussex. His time for taking testimony did not expire until April 15. After taking testimony he had six full days, and in many of the cases more than twenty days, in which to prove how these illegal votes were cast and for whom. I had but ten days to rebut all the testimony he had taken in forty days; and as I charged no illegal votes my lawyers, men of eminence in their profession, (and I am sure their decisions will be concurred in by every lawyer in the House,) decided that they had no right to go into that question; that the question of illegal votes must be handled by my opponent, and it was his duty, having charged them upon me, to prove that they were cast and for whom they were cast. Consequently I did nothing about it.

[Here the hammer fell.]

Mr. PLATT, of Virginia, (the contestant.) I ask for five minutes for a statement in regard to a personal matter.

The SPEAKER *pro tempore*, (Mr. BANNING in the chair.) The gentleman's time will be extended for five minutes, if there be no objection.

There was no objection.

Mr. PLATT, of Virginia, (the contestant.) I desire to make a statement of the Yorktown affair, in regard to which my competitor charged me with having gone there personally and taken a large number of men to create a riot. I wish to make a truthful statement of that occurrence, and all I shall say is fully proven by the testimony. In that county there was a colored man named Norton, who, on the 4th of July announced himself as an independent candidate, and at a small meeting of a society called the Lone Star introduced a resolution giving him the indorsement of that meeting as a candidate for Congress; the Norton family, of which he is a member, having made a profession of running as independent candidates ever since reconstruction, and the brother of this man, Robert Norton, having three times run as an independent candidate before the last campaign.

Now, sir, that man only remained in the field, and felt himself compelled to so remain, from the fact that money was furnished to keep him in the field. Who furnished that money? I do not charge my

competitor with having any personal knowledge of it, or with having done it himself; but he will not deny the fact that William F. Allen, superintendent of elections in Norfolk, paid \$950 in cash and a barrel of whisky, which was received at a cash value of \$50; that Mr. Chaplin, the partner of my competitor, sent this same man a check for \$100; and that a committee of five Norton men, so called, in the city of Norfolk were paid four or five hundred dollars by the authority of this conservative organization for the purpose of keeping Norton in the field as the assistant conservative candidate.

When I went to Yorktown, on the 17th of September, I think it was, to speak, going peaceably with my friends to a stand prepared for me, and while I was speaking Norton marched up in front of the stand with more than one hundred followers and endeavored to prevent me going on with my speech. They had on that occasion a disturbance which the sheriff was unable to quell. We were not strong enough to meet it, and we had to divide the time in discussion in order to prevent being attacked and driven away. Subsequently, three or four days after, at Lackey's store, in the same county, this man, after receiving the money which was paid by my competitor's superintendent and partner, met us there and did succeed in driving us away from that place. At Warwick Court House, three weeks afterward, they were present in force with pistols, shaking them in our faces and telling us publicly if we should go to Yorktown to the meeting advertised four days before the election we would be driven out of town, over the bluffs, and into the river. And anonymous communications were sent to me before I went, saying that if I attempted to present myself in that county to speak I should only leave it as a corpse.

Under those circumstances, sir, about seventy-five of my friends accompanied me there from the city of Norfolk. We did go on the navy-yard tug. We paid for the time of the men on the tug and for the coal burned, or rather some of my friends did it. I had nothing to do with it. It was a tug frequently used for the purpose of excursions, and frequently loaned to the conservative party. It was loaned to a party of which my competitor formed one on a social occasion. It was used by both parties when occasion demanded on the same terms on which we obtained it on that occasion. It was a tug upon which two hundred men could not be crowded unless they were put on the top of the smoke-stack. We were met at Yorktown by three or four hundred of my friends and a procession was formed, and accompanied by a band we marched to a stand prepared for us. It was perhaps some six hundred yards from the stand where Mr. Goode was speaking. We could not go to our stand without passing by the place where Goode and Norton were speaking. The first attack made that day, as is proven beyond all possibility of doubt and beyond all controversy, was upon William E. Crockett, one of my friends, who was beaten so severely that he very nearly died from the effects of the wounds he then received. I assert that all we did on that occasion was to defend ourselves and maintain our right to speak there or anywhere else, and all the fighting which was done that day was done in the defense of the right of free speech and to preserve that right inviolate on that occasion.

I thank the House for its courtesy, and regret that the limited time at my disposal has required me to leave unnoticed so many points which I would otherwise have discussed, and I leave now the question as to who is entitled to the disputed seat from the second Virginia district to be decided by the House. If the decision shall be based upon law, fact, and evidence, I shall be awarded the seat of which I have so long been unjustly deprived, and justice, though tardy, will at last have been done.

NELSON TIFFANY.

Mr. HOAR. Mr. Speaker, I ask by unanimous consent that the bill (H. R. No. 1337) for the relief of Nelson Tiffany, vetoed by the President, which was made the special order for this morning after the reading of the Journal, but which had to give place to this contested-election case, may be set down for to-morrow morning after the reading of the Journal or at the close of this case.

Mr. BLAND. I object to everything which interferes with the morning hour.

Mr. HOAR. This will not take three minutes.

Mr. BLAND. I do not care if it takes but a minute. I call for the regular order of business. I want to have the morning hour.

Mr. HOAR. This will not interfere with the morning hour.

Mr. BLAND. Then let the gentleman set it after the morning hour.

Mr. HOAR. There may not be any morning hour, as was the case this morning.

Mr. BLAND. I cannot help it, I object to its interfering with the morning hour.

Mr. HOAR. I do not understand that it interferes with the morning hour. The gentleman will have the same right to have the morning hour as now.

The SPEAKER *pro tempore*, (Mr. BANNING in the chair.) The gentleman from Missouri objects.

Mr. BLAND. And I give notice that I will continue to object to everything out of order until I do get the morning hour.

Mr. HOAR. This bill relates to a charge upon the honor of a poor dying soldier who did good service to the country, and will not take five minutes.

Mr. BLAND. Let it be taken up after the morning hour. All I ask is that the morning hour shall not be interfered with. I object to this, and to everything else that interferes with the business of the morning hour.

Mr. HOAR. But supposing there does not happen to be a morning hour?

Mr. BLAND. I know the object has been to stave off the business of the morning hour.

The SPEAKER *pro tempore*. This discussion is all out of order.

Mr. HOAR. Then I ask that the matter may be set down for three o'clock to-morrow afternoon.

The SPEAKER *pro tempore*. Is there any objection to making it the special order for three o'clock to-morrow afternoon?

Mr. BLAND. I object to fixing it at any hour until we have had the morning hour.

NAVAL INVESTIGATION.

Mr. WHITTHORNE. Yesterday the House made an order that the majority and minority reports of the Committee on Naval Affairs should be presented to-day for printing. I now ask by unanimous consent that we may present the reports of the majority and minority in order to comply with that order of the House.

The SPEAKER *pro tempore*. Is there objection?

Mr. HOAR. I object.

Mr. WHITTHORNE. The order to print was made yesterday, and the House also ordered that the report should be presented on this day. I only ask that the committee may comply with that order by presenting the two reports.

There was no objection, and the reports were received, laid on the table, and ordered to be printed.

NELSON TIFFANY.

Mr. HOAR. I now move by unanimous consent that the veto message in the case of Nelson Tiffany be set down for consideration to-morrow after the morning hour. I understand the gentleman from Missouri will not object to that.

Mr. RICE. I object.

Mr. HOAR. I hope not. This is a poor, dying soldier, who merely wants the record in his case corrected. It was reported, Mr. Speaker, originally from the committee of which you are chairman, the Committee on Military Affairs, and I hope the gentleman will not insist on his objection.

Mr. RICE. How long will it take?

Mr. HOAR. About five minutes.

Mr. RICE. I withdraw my objection.

The SPEAKER *pro tempore*. Is there objection to making the veto message in the case of Nelson Tiffany the special order for to-morrow, after the morning hour?

There was no objection, and it was ordered accordingly.

CONTESTED-ELECTION CASE OF PLATT VS. GOODE.

The House resumed the consideration of the report of the Committee of Elections on the election contest from the second congressional district of Virginia—Platt vs. Goode.

Mr. TUCKER. Mr. Speaker, I should do injustice to my own feelings if I did not take part in this discussion, although I have a deep personal interest in the result of this contest, a personal interest for a cherished friend, and a strong public interest for the freedom of elections in my native Commonwealth.

I shall address myself though, sir, to the discussion of this question with all the impartiality which I can bring to it, and I think if the House will give me its attention I will establish beyond all controversy that to exclude the sitting member from the seat which he now so honorably occupies and to admit the contestant to that seat would be to violate the privileges of this House and defeat the liberty of election in the country.

Mr. Speaker, freedom of choice expressed through legal forms constitutes a vote. I say, freedom of choice, free from any interest which seduces and free from any apprehension which deters from the elective duty. The legal forms are given to prevent illegal votes, and to secure to those legal votes which have been cast their full legal effect. It is therefore better to exclude a whole poll—and I beg attention here to this proposition—it is better to exclude a whole poll where the extent of the fraud cannot be measured than to admit a false one under any circumstances; better to reject all which is doubtful than to remove doubt, as the committee have done in this case, by guessing who is elected.

Now, this House has no voice in this election. A committee of this House, and the House itself, cannot cast one vote for Mr. Goode that was not cast for him at the polls, and cannot cast one vote for Mr. Platt which was not cast for him at the polls. Guessing is excluded.

A good deal has been said, and I shall dismiss it with a word, about the action of the returning board in this case. An assault was made by the gentleman from Kansas [Mr. BROWN] upon the members of the returning board. I quote in substance the words of a former statesman of my own State when I say that I leave the character of the members of that board at the head of whom stands the historical name of R. M. T. Hunter, *clarum et venerabile nomen*—I leave it to stand like the Rock of Gibraltar, unaffected in its grandeur, and almost untouched by the pocket-pistol of the gentleman from Kansas.

We have nothing to do with the action of the returning board; our functions are different. We can look further down into the facts than the returning board had any right to do, who were guided only by the *prima facie* case upon the abstracts of returns. We can get down—the *prima facie* case upon the day, which I could hope the reporter will not put into his notes—to the bottom facts of the case; and finding who is elected upon such examination, we can so declare contrary to the *prima facie* case, as it appears upon the mere abstracts to the returning board.

Now, Mr. Speaker, if the House will give me its attention for a moment I will state exactly how this controversy stands. Upon the official vote as returned Mr. Goode has 131 majority. Then the committee was unanimous (and we concede) that the Nansemond vote must be added, which makes 206 additional votes for Mr. Platt. Upon the proposition of giving him 12 votes in Norfolk, 7 of the committee say nay and 4 of the committee say yea; and I say nay with the 7. The result would be that Mr. Platt's majority upon that statement would be 75. He then claims and has allowed to him by 6 yeas to 5 nays on the committee the vote of the Bland and Rives Townships. This adds 425 to his vote, which makes his whole majority 500. Taking that as our starting-point, a majority of the committee, consisting of all the democrats on it, then find that this must be reduced by throwing out the navy-yard vote, which gave Mr. Platt 441 majority. Seven democrats to 4 republicans vote to throw out the navy-yard vote because it was obtained by fraud and intimidation; because the men who voted at those precincts voted as the serfs of the Government; because they were not the free electors of Virginia, but were the slaves of power. And seven democrats, to their honor be it said, against four republicans—I do not mean to their dishonor be it said—rejected the whole poll at the navy-yard as having been illegal, because fraudulent and obtained by intimidation. Now throw that out and you have a majority of 59 for Mr. Platt still.

Then by a vote of 7 yeas to 4 nays—the five of the settled minority joined with the two gentlemen, my friend from Massachusetts [Mr. THOMPSON] and my friend from Tennessee [Mr. HOUSE]—vote that 35 more of a lot of illegal votes (from 92 to 100 in all) should be taken from Mr. Platt than are taken from Mr. Goode. And that would leave Mr. Platt with a majority of 24. Now the only questions that remain open are, with this result of a majority for Mr. Platt of 24, in the first place, whether the Rives and Bland townships were properly given to him. And that for the argument's sake I concede. Very well, then, there are two questions remaining. And I ask the House to give me their attention, for there will be a good deal of confusion as to the exact status of the case, unless this is clearly understood. One of the questions then is, what action is proper as to the illegal votes; 92, as stated by my friend, Mr. Goode, and 100, as stated by my friends the minority of the majority?

Has a proper disposition been made of these illegal votes? And lastly—and I beg the House to pay attention to this—has enough been allowed to Mr. Goode on account of frauds at Portsmouth in the navy-yard? There was no vote on that question in the committee.

If any one of these three questions were answered in the negative Mr. Goode has a majority. That is to say, if Rives and Bland townships were thrown out Mr. Goode would have a majority. If the proportion of illegal votes which Mr. Goode contends for is allowed by this House, Mr. Goode would be elected. And if what I claim in regard to the navy-yard vote be adopted he would be elected by a large majority, or at least by a considerable majority.

Now, I dismiss the question as to Bland and Rives Townships, because I do not think it necessary to make any statement of a legal proposition in reference to that, when we are willing to yield all claim as to them. But in reference to the 92 illegal votes, without going into a discussion at all of the Virginia statute upon that subject, I may say, upon such authority as my opinion would have in this House, that, having examined the election laws of Virginia, I am clearly of the opinion that the majority of the committee, that is to say, my friend from Massachusetts [Mr. THOMPSON] and my friend from Tennessee, [Mr. HOUSE], uniting with the five democrats constituting the minority, are right in saying that no registration is lawful on the day of election, where the party comes from another county; and that the rejection of those votes on the ground of illegal registration was right. There is a difference between the republican members of the committee and the democratic members of the committee on that point. But I agree with the democratic majority of the committee as to the effect of our law upon that subject. Then, if you take the 100 votes as illegal which Mr. THOMPSON and Mr. HOUSE claim, or take the 92 as my friend Mr. Goode claims, the question is, how those illegal votes which are found in the ballot-box, without its being known for which candidate they were cast, are to be disposed of. And I would say that at these several precincts the evidence shows, in the aggregate, that Mr. Platt gets a majority of some four hundred to six hundred. I beg the House to note that Mr. Platt, at these precincts where illegal votes were cast, gets a majority of four or five or six hundred. What, then, is to be done with these illegal votes when you do not know for whom they were cast? Are they to be taken off the poll of Mr. Platt exclusively or off the poll of Mr. Goode? Or, if they are to be taken off the poll of both, how are they to be taken off? Upon what rule and in what proportion?

Mr. McCrory, in his valuable work on the American Law of Elections, page 225, says, in respect to such cases:

Let it be understood that we are here referring to a case where it is found to be impossible, by the use of due diligence, to show for whom the illegal votes were cast. If in any given case it be shown that the proof was within the reach of the party whose duty it was to produce it and that he neglected to produce it, then he may well be held answerable for his neglect; and, because it was his duty to show for whom the illegal votes were cast and because he might, by the use of reasonable diligence, have made this showing, it may very properly be said that he should himself suffer the loss occasioned by deducting them from his own vote.

Let me apply this rule in this case. Under the law the contestant has forty days to take his testimony; then the contestee has forty days to take his testimony; and after that the contestant has ten days in which to take rebutting testimony. When, therefore, the contestee developed, in taking his testimony, the fact that 92 illegal votes had been cast at polls where Mr. Platt got 500 majority, it was incumbent on Mr. Platt to show that his majority was not made up of these illegal votes. He comes forward and says, "Count my 500 majority." This House asks, "Why count you 500 majority? Did you get them?" He replies, "Well, I do not know whether I did get exactly that majority or not." Then we say, "Why shall we count them for you?" And he replies, "It is true there were 92 illegal votes cast, but I do not know whether they were on my poll or on Mr. Goode's." We answer, "You want your 500 majority counted. You cannot count it unless you prove that your 500 majority was not made up of any of the 92 illegal votes cast at the polls where you claim 500 majority." Now, you had ten days to prove that these 92 votes were not part of the majority you claim and you have not done it. The presumption of law is that the reason you did not do what you had a full right and opportunity to do was because you could not do it if you tried. Whenever the law puts an *onus* on a man and he declines to meet it, it is the presumption of law that he does not meet it because he cannot; and the presumption becomes conclusive in this case, as the contestant has not proven that the 92 votes did not go to constitute a part of his 500 majority; that they did form a part of that majority, and ought to be deducted from his vote, and so decrease his majority to that extent. Now strike the 92 votes off of his poll, except 35 votes which have already been stricken off in the calculation already made, and you will find that Mr. Goode has been elected by 33 majority; so that, if the rule which Mr. McCrory says is the proper rule is acted on and applied, Mr. Goode was elected. And I therefore call upon democrats and I call upon republicans who are honest-minded, I call upon honest men on both sides, to retain the sitting member in his seat and to tell Mr. Platt that he takes nothing by his motion for contest.

Now, Mr. Speaker, there is another way in which this matter has been attempted to be settled by the committee; and I beg my honorable friend from Massachusetts [Mr. THOMPSON] and my honorable friend from Tennessee [Mr. HOUSE] to believe me when I say with all sincerity that no man has a higher respect than I have for the honesty and integrity with which they have come to their judgment. I criticize their conclusion, but I do not censure their action or question their motives. The way in which my friends, two members of the committee, fixed the matter is this: they propose to take those 100 votes and divide them between the two candidates in the proportion of legal votes that each received at the precincts where the illegal votes were cast. Now, Mr. Speaker, I say—and herein is the pertinency of my opening remarks—I say that this is merely guessing at the vote. It is an arbitrary rule; it is a rule that has no foundation in reason; it is a rule that may be in opposition to the fact; it is a rule that may make the committee and this House elect a man that the people never elected, and the Constitution of our country declares that the House of Representatives shall be composed of members chosen every two years by the people of the States. I claim that the voice of the people of Virginia shall be heard here, and not the voice of this committee. What right has this House to assign to Mr. Goode 29 of these illegal votes which will give him 16 colored voters and while only 64 colored voters are assigned to Mr. Platt? That is to say that Mr. Platt only got three to one of the colored vote! If that had been the way all through the district, Mr. Platt would not have been here to contest; he would have been nowhere in the race, and he knows it better than I do.

Now, if you look at the examination of the witnesses in this case you will find that the counsel of Mr. Platt themselves asked questions again and again upon the postulate, and the witnesses again and again answered, to the effect that the whole mass of the colored vote in that district was cast for Mr. Platt. That was the ground on which Mr. Platt said that Norton must get off the track in order not to divide the negro vote. There is the color line! When Mr. Goode met Mr. Platt at Yorktown the proposition was made for a joint discussion, such as generally takes place in old Virginia between candidates. Mr. Goode said, "I will divide the time with Mr. Platt and Mr. Norton." Mr. Platt said, "I will not speak with Norton." The native-born Virginian did not object to speak with a competitor who was a colored man, but the carpet-bagger from Vermont was too proud to do it. [Laughter and applause.]

Now, Mr. Speaker, this mode of dividing these illegal votes is not only not founded in reason, but it is contrary to the facts of the case upon all the evidence. The only rational mode upon which this problem can be solved, (except taking the whole from the majority for the contestant, as I have already argued,) is upon the color line. If

you wish to get at the probable mode in which these votes were cast, you can do so by giving the colored part of these illegal votes to Mr. Platt and the white part of these votes to Mr. Goode. On this plan you cannot be very far out of the way. Taking, then, from Mr. Platt 78 or 79 of these votes and from Mr. Goode 13 or 14 votes, according to the color line, and giving up everything else in the case except the Norfolk precincts, and Mr. Goode was elected by 6 or 7 votes; and we claim confidently that he shall hold the seat to which he was thus elected.

Now, these are matters which will probably be discussed by other gentlemen. I come now to a point to which I desire to call especial attention—the navy-yard vote. Upon this point I have the report of seven members of the Committee of Elections against four, that the evidence in this case establishes the fact that the vote at the navy-yard as a totality was so infected with the virus of fraud and intimidation by governmental officials, directed through the person of Mr. Platt, the republican candidate for election to Congress, that the entire navy-yard vote should be and must be rejected.

But if there were no report or even a unanimous adverse report from the committee, I would call upon this House to reject this navy-yard vote cast for Mr. Platt, and thus effectually condemn the mode in which it was obtained.

The fact is, these navy-yards in the different States seem to be fruitful sources of corruption, and have become the means of alarming interference in the freedom of elections to this House as well as to other offices, State and Federal. The late election case of *Abbott vs. Frost* was decided upon the fraudulent character of the vote at one of these yards.

I quote a letter showing this, which I find in the report of the Committee on Naval Affairs:

[Private.]

BOSTON, MASSACHUSETTS, October 23, 1874.

MY DEAR COMMODORE: I wish you would approve requisitions for men to be employed, as they may be made until the 1st of November.

Some fifty additional has allowed from the Chelsea district, and I suppose some more will be required from Gooch's district.

The Administration desire the success of Gooch and Frost.

Yours, respectfully,

J. HANSCOM.

Commodore E. T. NICHOLS, Commandant.

Here is an evident direction by the Administration officials of the affairs at the Massachusetts navy-yard in the interests of Administration candidates for seats in this House; thus unconstitutionally using executive patronage and the money of the Government to determine or influence the independence of the people in their choice of representatives to seats upon this floor.

It is true we have no such letter as to the desire of the Administration in reference to Mr. Platt; but I will show to the House the influence used and the efforts made on the part of the Administration for his election. I will go a little further back than the acts done at the navy-yard, for the purpose of showing the mode in which this matter has been operated. Four days before the election, what I believe the contestant calls "a pleasure excursion," in a Government boat, was taken by himself and others to Yorktown. Now I say to this House that the evidence in this case shows that the Miles Standish, a Government vessel, James H. Platt, jr., captain commanding, left the navy-yard at the ports of Norfolk and Portsmouth on the 30th of October, 1874, having on board a cannon cast in the navy-yard, (I suppose at Government expense,) for a pleasure excursion, having on board his white guards and his black guards, (and a great many of them were blackguards, I have no doubt,) variously estimated from two hundred and fifty to three hundred or four hundred—I say this party, under Mr. Platt, embarked from the port of Norfolk and went to Yorktown on that day, which was four days before the election.

The air was filled with the cheering and the hootings and the cries of those who were on the boat. The cannon boomed as the boat neared Yorktown, heralding the approach of the gallant commander with the Government squadron. Now what was the purpose of the expedition? "A pleasurable picnic," says the contestant. What was the purpose of that expedition? To stifle negro suffrage; to prevent a negro candidate running for Congress; in the language of one of these white guards, "To kill every damned nigger who would not vote for Platt;" to drag Norton and other speakers on Norton's side from the stand where they were addressing the free people of the country; to shoot fleeing negroes and unarmed men, twenty-five or thirty of whom on that day were shot; or to beat them with billets that were manufactured in the navy-yard for the purpose. All this by a Government vessel manned by boys dressed in navy-blue, (that is the testimony,) to make war upon "the wards of the nation."

Mr. GARFIELD. To whom does the gentleman allude as "the wards of the nation?"

Mr. TUCKER. You all have always said that the colored people were the "wards of the nation."

Mr. GARFIELD. O, no; they are citizens, not wards.

Mr. TUCKER. Very well; then to make war upon the citizens of the United States. [Laughter.] "I thank thee, Jew, for teaching me that word." [Continued laughter.] The gentleman cannot ward off the blow by showing that he and his associates are no longer fit guardians of the colored race. [Applause and laughter.]

The sword of the Government was drawn to put down a negro candidate for Congress and to force negroes to vote for the white man

Platt rather than for the negro Norton, and by terror to drive the negro candidate from the field and to frighten ignorant negroes from the polls. That was the purpose of the expedition. It was intended to demonstrate—I beg gentlemen to listen to this—it was intended to demonstrate, by the exhibition of governmental power at the navy-yard, that the autocrat of the quarter-deck of the Miles Standish was cock of the walk in the Gosport navy-yard; and that whatever he said was not only the law but would be backed by the naval power of the Government.

Now, if you will read the evidence of what occurred at Yorktown on that occasion it will make your blood boil. I commend it to the eloquent gentleman whose indignation was so extraordinarily excited by the affair at Hamburg the other day. And allow me to remark that I have no hesitation in saying that I not only deplore that affair, but I unite with every right-minded man North and South in condemning every guilty man, whether white or black, who was engaged in it.

I notice that whenever there is a difficulty between white men who may be democrats and the negro people at the South, gentlemen on the other side of this Hall generally take the side of the negro. But I find that in this case where Mr. Platt, the contestant, was making war upon the negro race, the republican members of the committee address themselves to it in the following form of words; and if you never heard the cooing of a sucking dove, now hearken:

We do not believe the evidence will warrant the rejection of the whole returns from this county. A disgraceful riot between the friends of Mr. Platt and those of Mr. Norton—

Let me say that the evidence in this case excludes the idea that either my friend, Mr. Goode, or any friend of his took any part in that transaction except to quell the riot and defend the negroes from the arms of their white assailants—

A disgraceful riot between the friends of Mr. Platt and Mr. Norton, an independent candidate, the paying of money to Norton by friends of Mr. Goode for the purpose of keeping Mr. Norton in the field as a candidate, and so dividing the negro vote—

Ah! then you worked with the expectation and purpose that all the negro vote should go for Mr. Platt, did you?—

while they show a bad state of affairs and the depth of the conspiracy to defeat Mr. Platt, no matter by what means, yet they fail to show such intimidation or bribery as would warrant the rejection of the vote of the county.

This reminds me of an old story which, if the House will permit, I will repeat. An old Commonwealth's attorney who had been fifty years in harness had his indictment on one occasion called in question by a young man who had just come to the bar. The old gentleman became very vehement in his indignation and broke out into some profane and oburgatory expressions upon the young man, upon which the young man asked for the protection of the court. The court went into consultation, and after some time an old German who was the presiding magistrate thus pronounced the judgment of the court to the young attorney: "Mr. Smith, the court is of opinion and does decide that if you make Mr. Brown mad again and swear, they will send you to jail." [Laughter.]

Now, Mr. Speaker, can there be any solution of the mode in which the majority of the committee treat this matter except that no party is competent to reform its own abuses. "Can the Ethiopian change his skin or the leopard his spots?" The screen of partisan favoritism will be thrown over the abuses and corruptions of party to hide them from the view of an offended and indignant people.

The other day when the Hamburg massacre was under discussion and when a proviso was offered to the effect that no troops should be taken from South Carolina, where negroes were being attacked by white men, it would have been well to have proposed an additional proviso, that all Government troops and vessels should be taken away from Norfolk and Gosport in order that the negro voter may be protected in the free and uncontrolled exercise of his electoral franchise.

I have shown how these people were frightened by the sword of the Government. I will now show how they were bribed by the purse of the Government at that navy-yard.

Read the deposition of that old man, Mr. Tymes:

Question 2. Please state whether at any time previous to the last congressional election in this district, or since that time, you have made application to any official in the navy-yard for employment there; if so, when and to whom was the application made, and state all that occurred.—A. About last August I went and asked the commodore, Stevens, for the watchman's situation in the navy-yard; his reply was to go to some of the politicians. I told him I came to headquarters; he observed to me that he couldn't and he would not interfere with the committee.

(Objected by contestant's counsel as hearsay.)
Q. 3. Did you have any conversation with Mr. John Mylan, a foreman in the navy-yard, about employment there? If so, state when and what it was.

(Objected repeated.)

A. About a fortnight before the election, I went to Mr. Mylan and asked him could I get work in his department; he asked me who was I going to vote for; I told him my friend, Mr. Goode; his reply was, he had no use for me; I told him that I had "no more use for him than hell had for a stove."

Q. 4. Did you succeed in getting employment in the yard?—A. I did not, sir.

Q. 5. Did you ever have any conversation with Hon. James H. Platt, jr., about procuring employment in the navy-yard? If so, state when it was, and where it occurred, and all that occurred.

A. A few days after the election I went over to Norfolk and saw Mr. Platt at the custom-house; I asked him for the watchman's situation in the custom-house; he asked me who I voted for; I told him John Goode; he told me that was what they were trying to do; my remark was, what? he said to find out those that voted against me; I asked him what would be the result; his reply to me, that those who voted against me (Platt) should not work in that yard, and that was all.

I read from the deposition of George W. Glover:

Q. 6. Have you heard during the congressional campaign or at any time the boss-men or other officials in the navy-yard say anything about cleaning out all the employes in the yard who did not vote the republican ticket or anything of that sort?
A. It was the common talk among the bosses that such should be the case if they could be pointed out.

Q. 16. How were the men generally employed in the navy-yard; were they employed by the officials there upon their knowledge of the qualifications and mechanical skill of the men, or upon the recommendation of the republican executive committee or some members thereof?

A. As a general thing they were employed by the committee as a whole or the chairman thereof.

Q. 17. Was it or not generally understood, so far as you know, among the men employed in the yard that if they failed to vote for Mr. Platt they would incur the disfavor of those who controlled the employment of men in the navy-yard?

A. That was the impression made upon their minds.

I now read from the deposition of William J. Richardson:

Question 2. Were you employed in the navy-yard during the last congressional campaign, and on the day of election, November 3, 1874?

Answer. I was.

Q. 3. Was any assessment pecuniarily made upon you during the congressional campaign as an employe in the navy-yard for election purposes? If so, please state by whom it was made, how much money you paid for that purpose, and to whom you paid it.

A. Previous to the election I was called upon by Mr. Richard Meades, quartermaster of shipwrights, who handed me a paper. I opened the paper and found that it was an assessment made upon the employes working in the navy-yard, requiring foremen to pay \$40; each first-class shipwright, \$3.25; second-class, \$3; water-boy, \$1.02. I folded the paper and handed it back to Mr. Meades; went to the pay office, drew my money, and said no more about it to him. One week afterward he approached me, and asked me if I intended to pay the assessment required of me. I told him that I disapproved very much of doing it. He said, "I would like to give you some advice." He advised me to pay the assessment, as he thought that I would be benefited by it. I told him that if it would benefit me any I would pay the amount. He said he had the authority to say that any one who refused to pay the assessment there would be a cross-mark put opposite his name and returned to the executive committee. I called on Mr. Meades the same day after this conversation and paid to him \$3.25.

Q. 4. Did you pay that money willingly or not?

A. I did not.

Q. 5. What, then, induced you to pay it?

A. The fear of being discharged.

Q. 6. Are you employed in the navy-yard now?

A. I am not.

Q. 7. Please state when you were discharged.

A. I think about the last of November, 1874.

Q. 8. Have you made any application since that time for employment in the navy-yard; if so, please state to whom the application was made, and all that occurred at that time?

A. About the middle of December there were thirty shipwrights required to be taken in construction. I found that my name was not on the list. Next day I made an application to Mr. William F. Smith, foreman of shipwrights, for employment; he told me that the men who had been taken in the day before were not his choice, and that if he did not obey his instructions after they came to him with a recommendation that "off would come his head." He said that he would do all he could for me.

Q. 9. What recommendation did you understand him as referring to?

A. He did not say; but I supposed that he meant you must come recommended from the republican executive committee.

Q. 10. Why did you suppose he meant the republican executive committee; was it customary to procure that before a person could get employment in the navy-yard?

A. As a general thing, I think it was.

Cross-examined by JOHN LYON:

Q. 1. How long had you been employed in the navy-yard before the day of election?

A. About five months.

Q. 2. Who employed you then?

A. Mr. William F. Smith, foreman of shipwrights, I suppose.

Q. 3. To what political party did you and do you belong; republican or conservative?

A. I don't propose to answer that question. I'll answer it now. My principles have always been conservative.

Q. 4. How has your action been conservative and republican?

A. My actions have been such it would be hard for any one to tell.

Q. 5. Was it not your general reputation in Portsmouth and the navy-yard, among your friends and acquaintances, that you belonged to the republican party and co-operated politically with that party?

A. I don't know that it was; I never conversed with any one on the subject whatever.

Q. 6. Not with Mr. William F. Smith?

A. No, sir.

Q. 7. Did you ever make any application to the republican executive committee, or to any member of it, for recommendation for employment in the navy-yard?

A. I did not.

Q. 8. Then you were employed in the navy-yard without reference to your politics, were you not?

A. I don't know whether I was or not.

Q. 9. How many men were discharged from the navy-yard at or about the same time you were?

A. To the best of my knowledge, about four hundred.

Here is a refusal to employ except through the politicians, a refusal to employ because of political opinion, and the indignation of Mr. Platt against a voter for Mr. Goode, and a refusal to employ him on that account after the election. I refer you now to page 266, which shows that before the election (no matter whether there was a contract express or implied, the ground on which Mr. Platt puts it) there was an out-giving which no man could misinterpret or misunderstand, which assured every man that the way to Government favor was to vote for Mr. Platt and the way to Government disfavor was to vote for Mr. Goode.

That is to say, the way to get employment at the navy-yard was through the chairman of a partisan committee and the way to get out of employment was to vote for Mr. Goode; and that hundreds were employed during the canvass in order to have votes controllable

by Government patronage for party uses, to be discharged from work for the Government as soon as their uses for the party triumph had ceased.

Then take the case of that old man, Mr. Russ, seventy-one years old, who was made to swear himself clear of the imputation that he had voted anything but the republican ticket. This old man of three-score years and ten, whose very age was an eloquent appeal to the clemency or the justice of the Government, was called up by an official in the navy-yard to swear himself clear of an imputation that he had dared to vote the democratic ticket.

To show the mode in which this governmental influence was exerted upon the navy-yard voters on election-day, I now read the following evidence:

In Glover's testimony this appears:

Question 18. Did you attend the republican meeting in the fourth ward shortly before the election, at which instructions were given to the ticket-holder?

Answer. I attended a meeting at Temperance Hall, on County street, where the ticket-holders were instructed as to their duties.

Q. 19. Please state fully and in detail what instructions were given to the ticket-holders.

A. They were instructed to watch every man and see that he did not place his hand in his pocket before he gave to the judge of election the ballot received from the ticket-holder.

Q. 20. Were the ticket-holders instructed to see that the men voted the tickets which were given to them, or anything of that sort?

A. They were instructed to see, as far as possible, that they voted what they received from the ticket-holder.

Q. 21. Where did you vote on the day of election?

A. In the fourth ward.

Q. 22. Were you watched by anybody on that occasion to see how you voted?

A. I believe that I was, sir.

Q. 23. How far from the ballot-box did the ticket-holders stand, and in what position?

A. About nine or ten feet, facing the ballot-box.

Q. 24. Who were the republican ticket-holders in the fourth ward?

A. Barney Rutter and John Moody on the part of the whites. I don't know the colored man's name.

Q. 25. What position did Barney Rutter and John Moody hold in the navy-yard at that time?

A. Barney Rutter was a shipwright; Moody a blacksmith.

Q. 26. After giving the tickets to the navy-yard men as they came up, did they or not watch them until the tickets were placed in the hands of the judges?

A. I believe they endeavored to do so as far as they possibly could.

I now quote Broughton's testimony:

Question 2. Were you present at the fourth ward, in this city, on day of the election, November 3, 1874?

Answer. I was.

Q. 3. Did you witness any intimidation of voters at that precinct or did you see or hear anything from navy-yard officials calculated to influence the voters improperly in that election?

A. On the day of election, between six and seven a. m., I went over to the fourth ward. When I arrived there at the polls I saw the men strung out in a line, with Barney Rutter on one side of the door and a colored man, whose name I do not know, standing on the other side. All the men had to pass between the two before getting to the ballot-box. All of the republicans had to take their tickets from Barney Rutter; saw Dr. Kenny standing inside the polls, three or four feet from the box, with a newspaper in his hands tallying off the men as they voted, and all supposed republicans who refused to get a ticket from Rutter he put their names down on the inside margin of the paper. I remarked to M. J. Pyles, one of the republican vigilance committee, "This is a great job you fellows have got up." His reply was, "There are a great many talk about voting for Goode, and we intend to find them out and make them suffer for it." Then I left the polls in company with Mr. A. J. Hopkins. On the corner of Third and Lincoln streets we met several young men coming from Portsmouth. Mr. Hopkins invited all hands down to Gosport. Before going to Gosport went back to fourth-ward polls. One of the members of the crowd seeing Mr. Kenny with his paper in his hand tallying off the voters, snatched it out of his hand and tore it up; then we left there and went down to Gosport with Mr. Hopkins. On the way down Mr. Hopkins remarked, "I am sorry you tore that paper up; that if Mr. Goode was elected we intend to contest the election, and want that paper to swear to." I believe that is all I know.

Q. 4. How far was it from where Mr. Rutter stood to where Dr. Kenny stood?

A. About three feet.

Q. 5. Could Mr. Rutter observe the voter after getting the ticket until he got to the ballot-box?

A. He could; he was stationed about seven feet from the ballot-box and nothing between him and the ballot-box.

Q. 6. How far did Dr. Kenny stand from the ballot-box?

A. Dr. Kenny was about four and one-half feet from the ballot-box.

Q. 7. Was he watching, too, how the voters deposited their ballots?

A. He appeared to be paying all his attention to all the voters taking their tickets from Rutter.

Q. 8. Did all the voters whom you have described as strung out in a line get their tickets from Rutter and the colored man?

A. All that I see get them while I was there.

Q. 9. What position did Rutter and Kenny hold in the yard at that time?

A. Kenny held a clerk's place; Rutter a kind of leading man among the ship-carpenters.

I quote now from Cherry's deposition:

Question 5. Where did you vote on the day of election last fall?

Answer. Fourth ward, city of Portsmouth.

Q. 6. Did you witness any intimidation of voters there that day or see or hear anything from navy-yard officials calculated to influence the voting of the employees in the yard improperly? If so, please state all you know about it.

A. I live near the polls of the fourth ward and was at the polls. I was at the polls, I guess, about twenty minutes after the polls opened and staid until about twenty minutes of eight o'clock, time enough to get to the yard. I saw Mr. Barney Rutter—he is considered one of the leading men in the navy-yard—standing at the polls within six or eight feet of the ballot-box. He was the only one of the republican party at that time that had republican tickets. He would issue no tickets to any one unless they were in line going up to vote, and I heard him on several occasions tell the men not to put their hands in their pocket. I asked him why he done so. He told me he wanted to see how the men voted. I heard him refuse to give out tickets unless the men were in line.

Q. 7. Was he standing in a position so that he could see the voter from the time he received his ticket until it was deposited in the ballot-box?

A. He was.

Q. 8. Do you know whether any pecuniary assessment was made upon the men employed in the navy-yard for Mr. Platt's purposes in the campaign and whether it was generally paid or not?

A. I do, sir. Mr. Burroughs, a quartermaster in whose gang I was working at the time, brought a circular down to us between twelve and one p. m., and made use of the remark, "I have got something here for you men to look at and see what you are going to do." He showed it to us. He was assessed \$10. First-class mechanics were assessed \$3.25; second-class, \$3; or, according to whatever a man got, he had to pay a day's pay.

Q. 9. Did the men, as a general thing, pay this money willingly or not?

A. They did not.

Q. 10. What, then, induced them to pay it?

A. I judge from fear of being discharged.

Q. 11. Was it generally understood among them that if they did not pay it they would be discharged?

A. Yes, sir; that was the general impression. I judge by hearing men say that they would not give it; it was a damn shame; and afterward those same men paid it. I seen their names on the circular marked paid.

Q. 12. Did you pay the amount assessed upon you?

A. I did not. I told Mr. Burroughs the best place for that circular was to nail it up to the post; that I had to support my family.

Q. 13. Have you reason to believe that your failure to pay that assessment or to vote for Mr. Platt had anything to do with your discharge from the navy-yard?

A. That I wouldn't like to say. It was the general impression if they didn't pay the money and vote for Mr. Platt they would be discharged; but I couldn't say whether that was the cause of my discharge or not.

Q. 14. Have you ever heard men employed in the navy-yard say that they had to pay this money or vote the republican ticket to make bread for themselves and family, or anything of that sort?

A. I have; I have heard them speak it openly.

This is a part only of a volume of testimony of like character, with which the record is filled.

And yet the contestant, in the face of all this cloud of witnesses, has the audacity (I mean no disrespect to him) to ask here where is the evidence of corruption, intimidation, or fraud in respect to this navy-yard vote? Why, Mr. Speaker, the evidence shows that before the election, after the election, and during the election the virus of fraud and governmental intimidation so infected the whole election and the crowd of voters about the poll that every man of just perception, it seems to me, would say that no one of those navy-yard voters so seduced by the purse or deterred by the sword of the Government from expressing his will shall or ought to be counted for Mr. Platt.

Mr. Speaker, something has been said about this assessment. I do not mean to say that a mere voluntary payment by officials or employees in a navy-yard is to be treated as evidence of fraud and corruption; but I do mean to say that such payments under assessments by the Government officials are to be watched with great scrutiny, and that the voter is to be protected against even the appearance of intimidation or of fraudulent seduction from his duty; and that wherever it is found that any such influence has been used on a large scale, there is but one way in which a remedy can be applied, and that is to cut up the evil by the roots and to reject the vote of every man who voted for the Government candidate under such influences, no matter whether he would otherwise have voted for the Government candidate or not. Where the votes have been cast under these influences, the burden of proof is thrown upon the party who gets the vote to show that the man would have voted for the Government candidate irrespective of such influences before that vote can or should be counted; because when a man is acting under fraudulent impulses the law will impute the act to the fraudulent impulse rather than to any pure motive on the part of the voter. I say that is the law the world over. *Omnia presumuntur contra spoliatores*. And on like principles, every presumption is to be made against a man who seeks to be and has been elected by the destruction of the freedom of election and under the intimidation or by the purse power of the Government. The exclusion of all such votes is essential to preserve the purity of the election and its independence of the unlawful influence of power; and the candidate in whose poll such votes appear must clearly rebut the presumption by proving in each case that the vote was unaffected by the unlawful action of the Executive.

Now, Mr. Speaker, these assessments were put upon this ground: "You are one of us; you eat your bread from the Government table every day. If you expect it to continue you will have to turn in and help." The question is thus put to a man implicitly, by that kind of talk: "Are you with us or against us?" If the man says, "I will not contribute," then, as one of the witnesses said, "the bosses were required to ask the reason why." If the man said it was due to his political principles, he might be operated upon by removal. Is there any man so blind or any who will so shut his eyes to the truth that he will not see that this very operation is intended to test and does test the men of the navy-yard as to whether they are for or against the Government candidate? And when they develop they are against the Government, then they are removed. It was holding, as it were, the sword of Damocles over the head of the quivering pauper or employé, compelling him to say "I will vote for the man you indicate." Is there any man who can look at this evidence but will see the English of it? I care not for the gentleman's statement that there was no case of express contract to vote for Mr. Platt upon the consideration of being employed. I say no man can read this testimony without bellowing that the livelihood of the employé, of his wife and crying little ones, depended upon obeying the autocrat of the navy-yard by voting for his election.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. BRIGHT. I move the time of the gentleman from Virginia be extended.

Mr. TUCKER. I will be glad if the House will extend my time fifteen minutes so I may finish what I have to say on this question.

The SPEAKER *pro tempore*. Is there objection to extending the time of the gentleman from Virginia fifteen minutes.

Mr. BROWN, of Kansas. We do not object, if it is the understanding that the time on this side shall be extended fifteen minutes.

The SPEAKER *pro tempore*. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. TUCKER. Mr. Speaker, I say, looking to the power of the sword as manifested at Yorktown and looking at the power of the purse as manifested before, during, and after the election, that the sword and the purse of the Government have so intimidated, overawed, and seduced the voters at that election that there was no free voice for Mr. Platt.

I see in the report of the republican members of the committee, in which no democrat concurs, a most remarkable comment on these extraordinary facts:

We believe that the assessment of employes in the service of the Government is demoralizing and wrong, and ought to be made a criminal offense and severely punished. But it cannot in any way affect the result of the election, unless it is proved the money was used to corrupt voters and not in legitimate ways. Not a word of evidence appears in the record that the money so raised was corruptly used, and we can conceive of no ground on which to impeach the election that this money was collected.

There were in the navy-yard a large number of hands, white and black. They were there under appointment from republican officials. The evidence shows a large force was employed during the fall months of 1874, but not so large as during the corresponding months of 1873. Work was plenty, and this naturally worked to the benefit of the party that had the work to give; but further than this the evidence is very barren that improper inducements or promises were held out. Preference was given by republican officials to republicans, but the evidence shows that some known conservatives were employed, and many voted for Mr. Goode and kept their places. Altogether the evidence shows that the navy-yard was run just as much in the interest of the party in power and no more than all such institutions usually are. There is no proof that a large number of men were put on to control the election, that conservatives were employed under promises to vote the republican ticket. There is no evidence that a single democrat voted for Mr. Platt on account of the employment he obtained in the navy-yard. The evidence in reference to drilling, &c., shows mere organization on the part of the republicans; and the intimidation and violence used were by friends of Mr. Goode, who were endeavoring to break down the republican organization, drive away its challengers, and allow conservatives whole control.

The case is not nearly as strong as that of Abbott vs. Frost, in that there was work to be done. The men employed were not put on within a few days of election, but the force gradually increased for months. Mr. Platt did not recommend the employment of men; the increase was not greater than in prior years. The evidence is paltry and barren in showing undue efforts on the part of Mr. Platt's friends.

The evidence is vague and indefinite. No effort was made by the sitting member to particularize. He acted in reference to this matter as in reference to others, that where illegal votes are proved, be they few or many, the effect was to vitiate the whole election, and he endeavors, both in his proof and argument, to make us determine that some illegal votes were cast, so that we may exclude the returns of entire precincts. We believe that bribery can be committed in the employment of voters in a navy-yard, but the mere fact of employment alone does not prove bribery. If employment is given to make men vote *contrary to what they would do, it would be bribery*, but there must be proof, first, that men were employed in order to cause them to change their politics and second, that they voted, and voted in favor of the party giving the employment. The presumption is in public service that republicans employ republicans, that democrats employ democrats. The presumption is almost conclusive that men obtaining employment in places controlled by democrats are democrats and in places controlled by republicans are republicans, and the employment does not change their politics. If any presumption arises when a man obtains employment in a navy-yard, it is that he is a republican, and if that be so, the employment does not affect either his vote or the result. Here the employment is the whole evidence of bribery, and is extremely weak—only a link in the chain to prove the charge. Our duty is to act on evidence, not on surmises; to seek fixed data, not make wild guesses; and hence we decline to throw out any portion of the navy-yard vote.

Let me comment on some phrases in this curious apology and defense of the transactions in respect to this navy-yard vote.

The committee say:

Altogether, the evidence shows that the navy-yard was run just as much in the interests of the party in power and no more than all such institutions usually are.

Now, I ask what right has the administration of this Government of a free people, the Government of the whole people irrespective of parties, to run the Government machinery and use the Government money to keep itself in power? The gentleman from Kansas [Mr. Brown] has asked something of the code of morals by which my friend [Mr. Goode] is controlled. I ask, whence do they who sign their names to this report get their code of ethics when they excuse the republican party for running the machinery of Government, intrusted to them by the whole people for the common good in and for personal interests of the men and the party in power?

The committee speak with bated breath of the procedure before and at the election, thus:

The evidence in reference to drilling, &c., shows mere organization on the part of the republicans.

As my Lord Coke would say, the " &c." in that passage is full of implied meaning, which the members of the committee will not express, yet cannot all conceal. It involves the understanding that all were to vote for Mr. Platt who were employes; that they were to go to the polls with tickets provided by their official masters; that they were to vote under the surveillance of watchmen; that none should put his hands into his pockets, but keep them upraised; that none should break his allegiance to his party without being marked and "spotted;" that free voters should be driven, like sheep to the shambles, as Government serfs to the polls, to vote not their own but the will of the Executive, and for his candidate.

Mr. Speaker, this is but another illustration of what I have said: that no party can cleanse itself from the corruption of a sixteen-year hold of power.

They say there was nothing to keep a man from going out, if he chose, of the republican party. Ah, sir, when a man contributed to its cause, when a man went into the navy-yard, there was written over the gate-way *vestigia nulla retrorsum*. It was the lion's den, and there was no step backward for his decoyed and overawed victims. Now, sir, I say those voters from the navy-yard, unawed by the sword and unseduced by the purse, who still voted for Mr. Goode, cannot, ought not to be stricken from his polls.

The man who would not take the bribe, the man who dared the sword and voted his sentiments, cannot have his vote stricken off because you strike off the man who was seduced by the purse or awed by the sword of the Government. And that is just what this committee has done. It is an oversight. Why, sir, look at the evidence of Crismond:

Question 11. Did the voters employed at the navy-yard turn out and vote at that election as a general thing?

Answer. I think they did.

Q. 12. The returns show that James H. Platt, jr., received in the city of Portsmouth 1,042 votes. Allowing that the negro vote fell off 50 per cent. of their number according to your estimate, and that Mr. Platt received only 450 colored votes, and that he received only 25 white votes outside of the men employed in the navy-yard, making together 475 votes, the subtraction of this number from the whole number (1,042) cast for him, leaves 567 votes as a remainder of votes to be accounted for as cast by men employed in the navy-yard. Please state, according to the best of your knowledge, information, and belief, whether Mr. Platt received from men employed in the navy-yard more than 567 votes of white people?

A. I don't think he did. I should judge that he received about that number in Portsmouth.

Q. 13. The returns show that no candidates for Congress were voted for in Portsmouth except Mr. Platt and Mr. Goode. Allowing that 567 votes of white voters employed in the navy-yard were cast for Mr. Platt, at what number would you estimate the votes of white men employed in the navy-yard that were cast in Portsmouth for Mr. Goode?

A. I think that Colonel Goode received between 150 or 200 white votes of men employed in the navy-yard in Portsmouth at the last election.

Here is a witness for Mr. Platt, who, in reply to a suggestive question from his counsel, declares there were 567 white votes cast for Mr. Platt in Portsmouth alone, not including the other precinct in Norfolk. The counsel and witness bring the number down as low as they can. These votes were cast under the malign influences I have referred to.

But some navy-yard votes, it is said, were cast for Mr. Goode. These votes are good. Undismayed by power and unseduced by money, they voted their free will, and must be sustained as legal, as voting freely, in spite of temptation.

But the 567 navy-yard votes in Portsmouth cast for Mr. Platt are bad, because cast under the illegal and oppressive influences I have spoken of. They are admitted to be bad by seven of the committee (all democrats) against four members, (all republicans,) for they reject the 441 majority for Mr. Platt, as a majority constituted of these navy-yard voters.

Now I ask any man—and this is the gist of the whole argument—if the 441 constituting that majority were illegal voters because of intimidation and fraud by Government officials, does not the same reason apply to the whole 567 who voted for Mr. Platt, or 126 votes more than the 441 declared illegal? If you strike off *only* the 441 majority that Mr. Platt got, then you do that by striking off 126 good votes cast for Mr. Goode to keep company with the 126 bad votes given to Mr. Platt. Shall the true voters for Goode be balanced by the false voters for Platt? I say, therefore, that the only way of settling it is this: Take Mr. Platt's poll and take from it every voter from the navy-yard who had in him the virus of governmental fraud and intimidation; reject that from his poll and leave Mr. Goode's poll unchallenged, unassailed, and undoubted as it is, to stand. The result in that case would be that Mr. Goode has a majority of 126 at that poll, instead of Mr. Platt having 441 majority. In other words, strike from the majority the republican members of the committee find for Mr. Platt, 512, or from that found by Messrs. THOMPSON and HOUSE, 500, the 567 bad votes from the navy-yard cast in Portsmouth alone, and Mr. Goode is elected by over 50 majority.

Now, Mr. Speaker, I ask gentlemen to look at it. If you will make that change upon the estimate of my friend Mr. THOMPSON, who strikes off only 441 votes for the navy-yard, and strike off 567, it will destroy the 59 majority that would elect Mr. Platt without the fraudulent 92 voters being brought into account; and if you give the fraudulent 92 voters to Mr. Goode and Mr. Platt in any proportion proposed by any of the committee it will elect Mr. Goode in spite of it all. And I say this, that you may decide every question in this case in favor of Mr. Platt, yet if you decide this one question in my favor Mr. Goode is elected.

But this is not all. It is safe to say Mr. Platt got 1,000 navy-yard votes in Norfolk and Portsmouth. He got 567 in Portsmouth alone. If, now, you strike off every navy-yard vote that was given to Mr. Platt at Portsmouth and Norfolk, I say that Mr. Goode is not only elected, but by a large majority; and I thank God he is elected, sir, not by technicalities, but elected, lifted out of the region of technicalities into the high and serene realm of justice and right, instead of intimidation and fraud by a tyrannical administration of the Government.

Now, Mr. Speaker, if Mr. Platt is permitted to take his seat, it will

be as the representative of a rotten borough. The royal rotten boroughs of Parliament have been abolished for forty-odd years under the celebrated reform act. I trust under the great reform act of the American people to be enacted and ordained this year and at this fall's election, that these rotten boroughs will no longer be known in the American Congress, and as institutions run by the Administration will be stricken forever from American history.

But, Mr. Speaker, if this institution of the navy-yard is to be run in the interest of the Administration, is that the way you run a custom-house? Do you make it subserve the interests of party and promote the schemes of the Administration? Is this the way you run a custom-house? With a flag [holding up a photograph] floating over it or nailed to its gable front, as in the city of Norfolk, with this inscription: "National Republican Ticket: For President, Rutherford B. Hayes, of Ohio; for Vice-President, William A. Wheeler, of New York."

I suppose we will see a similar flag over some of the Departments of the Government shortly.

Mr. FOSTER. After March next.

Mr. SPRINGER. It will be a long march you will make before you elect your candidates.

Mr. TUCKER. You will see probably before long over the Department of the Interior, "Zachariah Chandler, Secretary of the Interior, chairman of the national democratic committee."

Mr. FOSTER. Get it right. [Laughter.]

Mr. TUCKER. I will put it right in the RECORD. Did I say "democratic?"

Mr. FOSTER. Yes. [Laughter.]

Mr. TUCKER. You will see over the Department of the Interior, "Zachariah Chandler, Secretary of the Interior, chairman of the national republican committee. No admittance except on business, and no admittance except for republicans."

Now, Mr. Speaker, I merely ask this question in conclusion: How is this Government hereafter to be run? Does Mr. Hayes accept the indorsement of the Administration found written over the custom-house at Norfolk or does he repudiate it?

Under which king, Bezonian? Speak or die.

Mr. Hayes, you are between two horns of a dilemma; you must take the one or the other. Repudiate the Administration and the Administration will repudiate you. Refuse to repudiate it, and the people will repudiate you. You may take either horn. To quote an old Latin maxim, a saying of Horace, and changing it somewhat from the original—

Pœnum habet in cornu;

and pluralizing the word, in order to suit the name of this singular candidate of the republican party, we may say to him:

Pœna habemus in cornu.

We will have you, Mr. Hayes, on one horn or the other of the dilemma.

Mr. FOSTER. I am glad you are going to have him anyhow.

Mr. TUCKER. Let not this House seat a man elected by the conjoined influence of the sword and purse of the Government, a member from a rotten borough, a representative of the executive, not of the people, in breach of their elective rights and in violation of the cherished privileges of this House. But let the House leave my friend in the seat he has so highly honored and to which he was chosen by the voices of the free, unawed, and unbribed electors of Virginia!

Mr. HARRIS, of Virginia, obtained the floor.

Mr. SPRINGER. Unless the gentleman desires to speak to-night I will move that the House adjourn, as it is nearly five o'clock.

Mr. HARRIS, of Virginia. I yield for that purpose.

Mr. BLAND. Let the case go on.

Mr. SPRINGER. We cannot settle the case to-night. But if the House desires to vote upon the question now, without further discussion, I will withdraw the motion to adjourn.

Mr. HARRIS, of Virginia. I think after I have said a word there will be no objection to an adjournment. It is utterly impossible to finish the case to-night, because there are to be two hours of further discussion and I claim the floor and have yielded for a motion to adjourn.

Mr. CONGER. I hope we shall adjourn. I feel that the House ought to have an opportunity to digest the last speech thoroughly.

The SPEAKER *pro tempore*. Did the gentleman from Virginia have the floor before the gentleman from Illinois made the motion to adjourn?

Mr. HARRIS, of Virginia. I did, and yielded to him to make the motion.

Mr. TUCKER. In the course of my remarks just now, speaking in the heat and excitement of discussion, as I never speak from manuscript, I used an adjective which came upon the end of my tongue without being intended. I used the word "tyrannical." I ask unanimous consent of the House that I may withdraw that word.

Mr. CONGER. I object; I think the speech ought to go in the RECORD with all its beauty and all its adjectives.

Mr. TUCKER. Who objects?

Mr. CONGER. I object.

Mr. TUCKER. Then I desire that my remark and my request be reported and the objection of the gentleman on the other side be also reported.

Mr. CONGER. I withdraw my objection.

The SPEAKER *pro tempore*. The Chair would state that the gentleman from Virginia has the entire right to withdraw the word.

ENROLLED BILL SIGNED.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3963) to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and section 3954 of the Revised Statutes.

LEAVE OF ABSENCE.

Mr. YEATES was granted an extension of the leave of absence heretofore granted him until the 1st of August.

Mr. WILLIS was granted three days' leave of absence to attend to a professional engagement.

The question was then taken on Mr. SPRINGER's motion, and it was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. LUTTRELL: Resolutions of the Wholesale Liquor Dealers' Association of San Francisco, California, favoring the passage of the Meade bill, to the Committee of Ways and Means.

Also, the petition of Daniel Hunsacker, for a pension for services rendered in the Black Hawk war, to the Committee on Invalid Pensions.

Also, a paper relating to the bill to quiet titles to the Albion land grant, signed by E. J. Burr, to the Committee on Public Lands.

By Mr. MAGOON: The petition of Edward Maloy, T. J. Law, and 52 other citizens of Shallsburgh, Wisconsin, against reducing the tariff on lead and zinc, to the Committee of Ways and Means.

Also, the petition of Hon. W. M. Fogo and 41 other citizens of Richland County, Wisconsin, for the repeal of the stamp tax on safety-matches, to the same committee.

By Mr. MCFARLAND: The petition of George W. Norwood, of Winston, North Carolina, for pay for ninety-four half boxes of tobacco erroneously seized, condemned, and sold by the United States authorities, to the Committee of Claims.

By Mr. RIDDLE: Papers relating to the claim of J. R. Hutchinson, of Sumner County, Tennessee, for whisky furnished the United States Army, to the same committee.

By Mr. SPRINGER: Memorial of J. C. G. Kennedy, late Chief of the Bureau of Statistics, for a correction of the report of the international statistical congress at St. Petersburg, to the Committee on Foreign Affairs.

By Mr. WELLS, of Missouri: The petition of George Haeffner, of Herman, Missouri, for compensation for property destroyed in said town in 1864 by order of General Marmaduke of the confederate army, to the Committee on War Claims.

By Mr. YOUNG: Papers relating to the claim of Mrs. A. G. Bankhead, for compensation for the use and occupation of houses leased by her to the United States Quartermaster's Department, at Memphis, Tennessee, to the same committee.

IN SENATE.

THURSDAY, July 27, 1876.

The Senate met at eleven o'clock a. m.

DEATH OF MR. CAPERTON.

The Chaplain, Rev. BYRON SUNDERLAND, D. D., offered the following prayer:

Almighty and Everlasting God, Father of our spirits and Former of our bodies, Who dwellest in the clouds and makest darkness Thy pavilion, Who holdest life and death in Thy hands and dispenseth them according to Thy pleasure, we come this morning to acknowledge the dispensation of Thy providence by which Thou hast removed another member of the American Senate and caused him to cease forever from his accustomed place. We beseech Thee, O Lord, to comfort all those who mourn on this account, and by this event to impress the lessons of wisdom and of good conduct upon all our hearts. Through Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. BAYARD. The Senate, I am sure, and the country will be deeply affected by the announcement of the melancholy event of yesterday, the death of our late friend and brother, ALLEN T. CAPERTON, a Senator from West Virginia. I move, as a mark of respect so justly due to the memory of this excellent and honorable man, that the Senate stand adjourned until to-morrow at 11 o'clock.